*CHARITY APPEALS NUMBER*

# The Solicitors' Journal

Vol. 105 No. 49 [pp. 1015–1070] DECEMBER 8, 1961 [One shilling and ninepence

DECEMBER 8, 1961

THE

# SOLICITORS' JOURNAL

VOLUME 105

NUMBER 49

## CURRENT TOPICS

### Hire Purchase

WE welcome in principle the introduction by Mr. W. T. WILLIAMS of the Hire-Purchase Bill, upon which there is to be a second reading debate on 8th December. Its objects include extending the operation of the Hire-Purchase Acts to protect transactions where the hire-purchase price or, in respect of a credit-sale agreement, total purchase price does not exceed £1,000; and to provide for a *locus poenitentiae* in the shape of a notification of proposed terms, which would resemble a draft contract, to be given to the prospective hirer or buyer at least two clear days before the agreement is entered into (a "forty-eight hours' pause"). An owner or dealer, or finance company acting on their behalf, will be responsible for every representation, warranty or statement made to the hirer, whether orally or in writing, during negotiations leading to the making of a hire-purchase agreement. A minimum size of type for such an agreement is prescribed. This short Bill of seven clauses should lead to an interesting debate today. We should have preferred the protection of the Hire-Purchase Acts to be extended to all hire-purchase agreements irrespective of amount. The Bill neither includes any clarification of the law relating to damages recoverable by a finance company, nor compels a hire-purchase contract to state the true interest rate if the repayment period is over a year. In practice the provisions relating to the notification of proposed terms may cause difficulties. Nevertheless the Bill deserves a smooth passage to the statute book with an all-parties effort to improve it on its way.

### Share Transfers

IT seems that once again the business community will have cause to be grateful to Mr. GRAHAM PAGE, M.P., the solicitor. Not content with his success in securing the enactment of the Cheques Act, 1957, and paving the way for the Payment of Wages Act, 1960, by introducing the Wages Bill in 1958, Mr. Page has now introduced the Companies (Share Transfers) Bill. This is a sensible measure which deserves rapid enactment and should result in the saving of many clerical man-hours every year. It provides a form of transfer of fully paid shares, stock or debentures permitting a transferor to complete only one instrument although his holding may be divided between several transferees. A transfer will not need to be by deed and the parties' signatures will not require witnesses. By endorsing the certificate of his holding the transferor will be able to authorise his agent to carry out the transfer. A registering company is relieved of liability for any lack of

## CONTENTS

authority of the agent of either party if such agent is a stockbroker, solicitor or bank. Use of a photograph of a transfer of the lodging transferee are supplied. This Bill is included in the list of Bills due for their second reading on 8th December.

## Interpretation of "Private Gain"

THE decision of the House of Lords in *Payne and Others* v. *Bradley* [1961] 3 W.L.R. 281; p. 566, *ante*, was unpopular, probably because it was unexpected. In that case their lordships decided that where the proceeds of tombola sessions were paid into the general funds of a working men's club, such proceeds were not applied "for purposes other than purposes of private gain" within s. 4 (1) (*c*) of the Small Lotteries and Gaming Act, 1956; it had been assumed by many promoters of such sessions that such an application of the profits which they made was no longer illegal. LORD GUEST said that "private gain" is opposed to "public gain in the sense that public gain would benefit large numbers of the public and could, therefore, be regarded as of a semi-charitable nature." However, the Lotteries and Gaming Bill, a Private Member's Bill presented by Mr. JOHN C. BIDGOOD, seeks to amend the law in this respect. Clause 1 (1) would provide that in construing s. 23 of the Betting and Lotteries Act, 1934, s. 4 of the Small Lotteries and Gaming Act, 1956, and ss. 17, 20 and 23 of the Betting and Gaming Act, 1960, the proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of certain societies which are applied for any purpose calculated to benefit one of those societies as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual. Further, in construing s. 4 (1) (*c*) of the 1956 Act, any purpose for which any society is established or conducted which is calculated to benefit the society as a whole would not be held to be a purpose of private gain by reason only that action taken in its fulfilment would result in benefit to any person as an individual (cl. 1 (2)). Clause 1 (1) would extend to any society which is established and conducted either (*a*) wholly for purposes other than the purposes of any commercial undertaking; or (*b*) wholly or mainly for the purposes of participation in or support of athletic sports or athletic games; and in cl. 1 the expression "society" would include any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association (cl. 1 (3)). This Bill is due to have a second reading on 23rd March and its purpose is clear.

## Jurors

THE recent discovery that a juror in a murder case was, in the words of ELWES, J., "stupid and . . . could not have understood simple, direct language . . ." obviously raises the question whether the qualifications which the law requires of jurors are sufficient. This kind of thing happens very infrequently and even if some basic educational qualification were required it would not follow that there would not be some stupid people who would qualify. It would be impracticable to require an educational test before putting a man or woman on the jurors' lists and an irksome addition to the duties of the court staffs to examine each juror who is called for service. If it is possible to improve the system of selection so as to avoid similar occurrences all well and good, but in our view no system would be perfect: surely this is one of the reasons why we continue to insist on having juries of twelve.

## Autrefois Convict

A MAN may not be put twice in jeopardy for the same offence because where a criminal charge has been adjudicated upon by a court having jurisdiction to hear and determine it, that adjudication, whether it takes the form of an acquittal or conviction, is final as to the matter so adjudicated upon, and may be pleaded in bar to any subsequent prosecution for the same offence: *R.* v. *Miles* (1890), 24 Q.B.D. 423; see also s. 33 of the Interpretation Act, 1889. The principle autrefois convict was applied in unusual circumstances in a recent case in Dartford Magistrates' Court where the defendant was charged with careless driving and after the close of the evidence for the prosecution the defence submitted that there was no case to answer. After conferring with the other justices, the presiding magistrate said, inadvertently, "We convict," whereas he should have said: "We find a case to answer." At the request of the defence the case was heard before a different bench of magistrates and they decided that they had no jurisdiction. The defendant had been convicted by the earlier court and it was immaterial that he had not been sentenced on that occasion: see *R.* v. *Sheridan* [1937] 1 K.B. 223.

# CHARITABLE SOLICITORS

SOLICITORS are probably no more and no less charitable than members of any other profession or calling in this country. Yet each week they see many appeals by charitable organisations, either sent to them direct or advertised in their weekly periodicals. Once a year, also, a complete Charities number of THE SOLICITORS' JOURNAL is published. In this issue, as readers will observe from the copy now in front of them, advertisements are mainly from charitable organisations. To explain this at length would be superfluous within these columns. Suffice it to say that the solicitors' branch of the legal profession, by tradition, is burdened with the heavy cross of responsibility of advising clients, when so requested, of the many ways in which their donations and bequests may aid others less fortunate than themselves.

It is good that, at least once each year—appropriately near the festival of Christmas—the profession should re-acquaint itself with the many and varied causes which are constantly in need of its recommendation and assistance.

The variety of the organisations which need such help is as wide as life itself. On the one hand are dedicated people who are concerned with the welfare of aged or ill-treated animals. On the other are societies which carry the Gospel to the corners of the world, as well as several concerned solely with the spiritual well-being of people permanently or just temporarily resident in this country.

Between these two extremes are many other kinds of voluntary associations, including those which look after the welfare and the training of the sick, the blind, the deaf, the


# CANCER MUST LOSE THE DAY!

**To this vital end**

**THE MARIE CURIE MEMORIAL FOUNDATION**

**devotes all its energies and resources**

**THE FOUNDATION**—this country's only comprehensive cancer organisation—**PROVIDES**

- **HOMES FOR CANCER PATIENTS**
- **NATION-WIDE WELFARE SERVICE**
- **CANCER EDUCATION**
- **CANCER RESEARCH**

Please do not forget this important voluntary work when your clients are considering their wills.

**Forms of Bequest and further information from:—**

The Secretary, S/LDR. T. BERNARD ROBINSON, F.C.C.S.
THE MARIE CURIE MEMORIAL FOUNDATION, 124 SLOANE STREET, LONDON, S.W.1 (SLOane 1095)

**PATRON: H.M. QUEEN ELIZABETH THE QUEEN MOTHER**

dumb. Some of them were even founded by the afflicted themselves, and from their incomes, which are seldom directly State-assisted, they provide grants towards the training of welfare workers as well as gifts to those for whom the bodies were instituted. The upkeep of the homes and training establishments alone accounts for the major part of the income of many organisations.

For the assistance of readers a full list of the charities which make their appeals through the medium of this journal is printed on the centre four pages of this issue, so placed that they are easily detached for reference, although more copies of these pages will readily be supplied upon request to those who prefer to keep their issues intact.

Perusal can be very illuminating and give much food for thought. For instance, research into the causes of illnesses and remedies for diseases are activities which readily spring to mind when the word charity is mentioned. The list shows that there are also several organisations devoted to the welfare of people in reduced circumstances through no fault of their own. A little over twelve months ago saw the close of the World Refugee Year, when the sympathy and thoughts of people from all the four corners of this earth were focussed on but a single aspect of this continuing problem. Yet there are many other people who, after giving a lifetime of service to the community, have been left in dire need of help in their advancing years. Appropriately, there are organisations to help just this type of person.

Similarly, on the centre pages are listed associations concerned with the families of former and serving members of the armed forces, and others which devote all their time and skill to the alleviation and prevention of suffering caused by cruelty to and neglect of innocent children and animals. Almost all these bodies rely to a greater or less extent on voluntary contributions or bequests to maintain their services and to finance further projects.

It is in this connection that the solicitor can be of immense help to his clients. Those who "wish to leave a little to charity," sometimes connected with a pet subject but as often as not much vaguer, very often do not have much idea of the number or variety of organisations that are in existence for almost every kind of charitable purpose. By keeping himself constantly aware of the numerous charities that are in being, the solicitor can not only help his clients and the charities themselves but can also reap the satisfaction of knowing that he has done good to others less fortunate than himself.

# LONDON REGIONAL CONFERENCE

By A Special Correspondent

The first London Regional Conference organised by The Law Society, and planned and sponsored by eight local law societies, was held at Church House, Westminster, on 27th, 28th and 29th November. It was extremely successful. About 450 solicitors attended the working sessions, while the evening functions, a dinner dance at Grosvenor House, a banquet at Guildhall, and a reception and dance at Chancery Lane, appeared to be booked to capacity by solicitors and their wives. The Guildhall banquet was, as might be expected, the outstanding social event. The place itself, the food and drink, and the speeches were all impressive. A plea for tickets for the Guildhall banquet appeared in the agony column of *The Times*. It is not known whether the ticket touts actually moved in, but the booking seemed to be as keen as for the Bolshoi Ballet or a Cup Final.

Opening the conference, the president of The Law Society, Mr. Arthur Driver, paid tribute to these local law societies, most of which are less than two years old. Their conference would probably be the pattern for the future, with regional conferences, organised jointly by The Law Society and local societies, replacing the familiar national conference held hitherto each autumn in a conference town. These regional conferences would take place twice a year in different parts of the country, while the national conference would take place in future every two or three years. The next regional conference was likely to be at Norwich in May, 1962.

The president then gave an impressive account of The Law Society's achievements and its aspirations, which should surely shame into silence those few inveterate grumblers (not to be found among his audience) who are still occasionally to be heard belittling the achievements of their professional body and its leadership.

The legal aid and advice scheme, based on the Society's recommendations to the Rushcliffe Committee, was now fully operating, the only serious flaw being the position of the successful unassisted litigant, for whom it was hoped something would soon be done. The legislation which assisted self-employed persons to make provision for retirement was the result of many years of hard campaigning by the Society, and many outside its ranks had benefited. The Society's own scheme was the strongest of all those set up under the 1956 Act. The office advisory scheme was so popular that there was a long waiting list for office surveys, which could only be eliminated about Easter, 1962, when four fully trained consultants would become available. There would soon be set up a register of wills, on lines that had worked successfully in British Columbia since 1944.

Recruitment to the profession was now improving. Articled clerks no longer paid premiums, but received salaries, sometimes sufficient to live on. The Solicitors' Managing Clerks' Association, with the support of The Law Society, would become the Institute of Legal Executives, with students, associates and fellows, the latter being entitled to the letters "F.I.L. Ex." after their names. The president hoped, but could not be certain, that these steps would arrest the trend towards the disappearance of the solicitor's managing clerk.

To attract staff, solicitors must provide adequate salaries and proper working conditions. They could only do so by improving their efficiency and thereby their earnings. The president urged solicitors to move with the times, to get about more at home and abroad, to learn at least one foreign language and something of other legal systems, and, last but not least, to spend at least one or two hours each week studying a legal journal.

A detailed report of the working sessions of the conference will appear in an early issue.

"The Solicitors' Journal"
Friday, December 8, 1961

# CHARITY BEGINS AT HOME

THE survival of the family as the unit of society depends on the acceptance by its members of obligations to sustain and guide each other. These obligations are primarily moral ones, and in most cases they do not admit of State interference by the imposition of legal sanctions; but in one field of family life the law does intervene, that is to enforce the duty to provide financial support within the family. The law does not go the whole way, and enforce the moral duty of children to assist their parents when in difficulty, but the principle under the law is that husbands and wives are obliged to maintain each other and their infant children where that may be necessary. Under the National Assistance Act, 1948, s. 42, "a man shall be liable to maintain his wife and his children, and a woman shall be liable to maintain her husband and her children," a man's children including any of whom he has been adjudged to be the putative father, and a woman's children including her illegitimate children. This provision is intended to prevent families from becoming a charge upon the State when either the husband or the wife is in a position to maintain the family. Similarly, a woman (or the National Assistance Board or local authority) may obtain an order for the maintenance of her illegitimate child from the father in affiliation proceedings, thus absolving the State from the support of the child. But the law has gone much further than this in deciding the obligations of members of the family one to another; during the last sixty years a complicated body of law has been built up which seeks to enforce on members of the family the moral obligations which they owe to each other. There have been many changes in these laws recently, and it may be a good time to look at the whole structure of maintenance law.

### Maintenance of wives

The most important of these obligations within the family is that of a man to maintain the woman who has undertaken to care for him and to bear his children. It is difficult to realise that until 1895 this obligation remained to all intents and purposes a moral one, and with rare exceptions the wife could not bring any sanctions to bear upon her husband. Her position was truly intolerable; until 1884 she had no separate property, and her husband could abscond with everything she had brought into the marriage; he could commit adultery or treat her with cruelty with impunity and yet she was unable to obtain any effective remedy from the court. It is true that the Ecclesiastical Courts granted divorces *a mensa et thoro*, and decrees of restitution of conjugal rights or nullity, and on making these decrees the court could order the payment of alimony. But in practice these remedies were available only to the wealthy, for proceedings were costly and protracted, and their use was extremely limited even within the privileged classes. The wife of the working class man who was abandoned by her husband had no hope of relief and must throw herself on the parish. There were, it is true, the various Poor Law Acts, which made a man liable to the parish for the expenses incurred in caring for his family, but *inter se* the wife and husband had no legal rights worth speaking of. The Summary Jurisdiction (Married Women) Act, 1895, changed all this. The magistrates were given the power to make a separation order and to order maintenance for the wife who had been assaulted, cruelly treated, abandoned or neglected by her husband, provided that she had not committed adultery. The maximum sum a wife could be awarded under this Act was £2 weekly. In 1902 the Licensing Act gave her further protection where her husband was found to be a habitual drunkard and she was able then to obtain maintenance in the same way from the magistrates' court.

It is not necessary to go into the various changes in the law which followed, and which extended the grounds on which a wife might apply to the magistrates for maintenance and increased the sums which she could be awarded; the position now is governed by the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, which sets out nine separate grounds on which a wife may obtain an order from the magistrates, and increases the maximum sum which she may be awarded by way of maintenance to £7 10s. weekly.

### Maintenance in divorce

Ever since divorce *a vinculo* became a practical possibility in 1857, the courts have had the power to order maintenance on making such a decree. The procedure has changed little and is well known, but the principles upon which the court acts have varied considerably over the years. For example it was at one time quite impossible for a guilty wife to obtain maintenance; indeed any such application could be removed from the file. But as long ago as 1902 it was held that the court had a complete discretion in the award of maintenance, and in principle there is no reason why a guilty wife should not obtain an order. The present position is that an order will be made in her favour if the circumstances of her guilt are mitigated, as in the case of a woman placed in an intolerable position by her husband's desertion, or where the wife has fallen on hard times and is unable to work or to be maintained by the other man, and would become a charge on the State if her former husband did not maintain her. Similarly, in nullity suits a respondent wife, even if "guilty" of wilful refusal to consummate the marriage, may be awarded a compassionate allowance of maintenance.

Until recently, application for maintenance had to be made on the hearing of the suit or within two months of decree absolute, but the Matrimonial Causes (Property and Maintenance) Act, 1958, allows the court to make an order for maintenance *on* any decree *or at any time thereafter*. It is still necessary to ask for maintenance in the petition, but if this is not done leave may be obtained from a judge to apply for maintenance later. It is nevertheless undesirable to delay for too long in taking proceedings for maintenance, since such delay may prejudice the wife's claim, and therefore the wiser course is to make an application for a nominal order, even if there are no grounds for asking for substantial maintenance immediately. The nominal order can then be varied subsequently if the need arises.

In many cases where both parties are represented, it is desirable for maintenance to be agreed between husband and wife, but this is not without its dangers. Nothing can oust the inherent jurisdiction of the court to provide for the wife, and therefore any agreement by a wife not to ask for maintenance, however substantial the consideration, will not be enforceable since it is contrary to the public interest. However, if the terms of the agreement are incorporated into an order of the court, then that order will be binding on both parties: see *Mills* v. *Mills* [1940] P. 124. Recently this proposition has been brought into doubt, but the law is now quite clear: if a wife consents to an order of the court by which she receives some benefit but no maintenance, she will not later be able to ask the court for maintenance (see Current Topic, p. 916, *ante*, discussing *L* v. *L* [1961] 3 W.L.R. 1182; p. 930, *ante*).

# COUNCIL OF JUSTICE TO ANIMALS
AND
# HUMANE SLAUGHTER ASSOCIATION

**OBJECTS**

Promotion of Humane Methods of Slaughter; Introduction of Reforms in Slaughterhouses and Cattle Markets

## 200,000

food animals are slaughtered in this country each year BY HAVING THEIR THROATS CUT WHILE THEY ARE FULLY CONSCIOUS

*Please help our efforts to get them humanely killed by sending a donation to the*

**Honorary Treasurer, 42 Old Bond Street, London, W.1**

Annual Report (free) on application

---

# A CHRISTIAN ACT

*Many people whom you know desire to help Christian causes*

Christian Action was founded to promote justice, relieve suffering and save life. Its purpose is to encourage those who respect the Christian ethic to translate their faith into action in public affairs. Christian Action has been in the vanguard in defending human rights, particularly in Southern Africa; over £216,000 has already been collected for this purpose alone.

We pray that your good services will be exercised on our behalf now and in the future to help us to continue to fulfil our Christian obligations.

Further particulars from the Secretary, 2 Amen Court, London, E.C.4.

*(Registered as a Charity under the Companies Act, 1948)*

# A COMMONWEALTH CAUSE

The Commonwealth has been built up over the years by great endeavour. Many of your clients, who have helped to build it, or who have an interest in it now, may share with us a fear that this great heritage will fail through lack of understanding by its peoples of each other's problems.

***To bind the people of the Commonwealth together through knowledge and understanding, is the aim of***

## THE ROYAL COMMONWEALTH SOCIETY

The Royal Commonwealth Society is a learned Society, registered as a Charity. The London Headquarters are also the meeting place for Commonwealth citizens from all over the world. It has a record of service dating back to 1868, first as the Royal Colonial Institute, and later as the Royal Empire Society.

**Funds are urgently required to help its work of welcome to people from overseas, and to develop its educational and cultural activities. Your clients may like to help this Commonwealth cause, by means of a Covenant, Will or Codicil.**

For further particulars, please apply to:—

**The Secretary-General, The Royal Commonwealth Society,**
**Northumberland Avenue, London, W.C.2**

**The Royal Commonwealth Society**

**Objects**

*To promote the increase and diffusion of knowledge respecting the peoples and countries of the Commonwealth; to maintain the best traditions of the Commonwealth; to foster unity of thought and action in relation to matters of common interest.*

---

# SIR WINSTON CHURCHILL URGES YOU TO HELP

## 30,000 LIMBLESS EX-SERVICEMEN

Many of the 30,000 British Limbless ex-servicemen are completely unable to help themselves. All are gravely handicapped but none need lose hope, provided they are given help in conquering their disability. More money is urgently needed to acquire, maintain and equip homes in which they can be given a period of convalescence or care and comfort in their old age.

*Donations or Legacies should be made to :—*

**Major the Earl of Ancaster, T.D.,**
Chairman of Appeal (SJX)

**Midland Bank Limited,**
**89 Charterhouse Street, E.C.1**

## BRITISH LIMBLESS EX-SERVICEMEN'S ASSOCIATION

*(Registered in accordance with the National Assistance Act, 1948)*

BLESMA IS NOT AIDED BY THE STATE

Where no proceedings are pending in the Divorce Division, and the husband's income is such that a magistrates' court order would be inadequate, application may be made to the High Court for maintenance for both wife and children under s. 23 of the Matrimonial Causes Act, 1950. Since the jurisdiction is the same as that in a petition for judicial separation, such an application may be made during the first three years of marriage. "Wilful neglect" must be proved, and the same defences are open to the husband as in the maintenance proceedings: adultery, desertion or cruelty on the part of the wife may, but will not necessarily, excuse him for his failure to maintain her.

**Death no protection**

A husband cannot shuffle off his duty to his wife and family with this mortal coil: their claims for maintenance can follow him beyond the grave. Under the Inheritance (Family Provision) Act, 1938 (as amended), where a husband fails to make proper provision for his dependants in his will or dies intestate, his wife, infant children and unmarried or incapacitated daughters may apply to the court for an order for periodical payments out of his estate or, if the estate does not exceed £5,000, for a lump-sum payment.

The rights of a wife under this Act cease on divorce, but under the Matrimonial Causes (Property and Maintenance) Act, 1958, a divorced wife is given the right to claim maintenance out of the estate of her deceased former husband. This ends the injustice caused to the ex-wife of a wealthy man who might find herself destitute when her maintenance order ceases on the death of the former husband, all his estate perhaps passing to a more recent wife. By the same Act, husbands who try to avoid their financial obligations to former wives by disposing of their property are baulked; such dispositions can be set aside by the court.

**Maintenance of husbands**

Although husbands are not generally regarded as being dependent on their wives, in certain cases justice demands that a wife should at least contribute to her husband's maintenance. For example, when a husband becomes insane, a wife who has the means is morally bound to care for him, and the Divorce Court may order her to maintain him where she has presented a petition on the ground of his insanity. Then there are cases where a man marries a wealthy woman, and arranges his future relying on his wife's fortune and possibly her assurances, given in the enthusiasm of her early love, that what is hers will be used equally for his benefit. He may abandon his profession, or sell his business, only to find that love fades and with it the material fortune on which he built his future plans. Accordingly, the Divorce Court is given power to order the settlement of a guilty wife's property for the benefit of the husband and children of the marriage.

The High Court remedy is only available to husbands with wealthy wives, but since the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, men and women have been put on an equal footing with respect to maintenance in courts of summary jurisdiction. A guilty wife may be ordered to maintain her husband or her children and she may be found guilty of wilful neglect to provide, or to make a proper contribution towards, reasonable maintenance for her husband or dependent child. If a man is unable to maintain himself, therefore, he can hope for an order limited to £7 10s. per week against his wife if she should be found guilty of a matrimonial offence and at the same time be in a position to pay; if insane, there is no limit to the order that can be made for his benefit even against an innocent wife; if she is possessed of property and he obtains a decree against her a settlement can be made in his favour; the only case which is not provided for is that of a man who cannot maintain himself but has been abandoned by his wife whose earnings are substantial enough to warrant an order higher than the magistrates are empowered to make. These cases must be very rare.

**Provision for children**

The law was slow to enforce the father's obligations to maintain his infant children. Although the High Court has always had inherent jurisdiction as *parens patriae* to protect children, this did not extend to any positive provision for their welfare until quite recently. The father's obligation was recognised, so that the court would not, for example, allow maintenance out of the property of an infant where the father was in a position to maintain the child—see *Fawkner* v. *Watts* (1742), 1 Atk. 407—and a father might be found guilty of a criminal offence if his neglect of the child should cause unnecessary suffering, but until divorce became a practical possibility in 1857 orders for child maintenance could not be made. It is true that under the old Poor Law Acts a father could be made to indemnify the parish when his children were taken into the workhouse, but such a provision was of little use to the child. Even when the High Court was given power to award custody of a child to its mother by the Guardianship of Infants Act, 1886, there was no provision for the award of maintenance, and when in 1895 wives were given their earliest remedy in the magistrates' courts they could not obtain any maintenance for their children. It was not until 1920 that the magistrates could order fathers to pay maintenance for their children, and then the limit was 10s. weekly.

Today in most cases provision for children follows the pattern of wife maintenance which has already been described. But there are certain cases in which maintenance may be ordered for a child when the mother can receive nothing for herself. In summary proceedings whenever a summons is before the court under either the Matrimonial Proceedings (Magistrates' Courts) Act or the Guardianship of Infants Act, 1925, an order may be made for the support of the children; under the latter Act even if husband and wife continue to live together such an order remains effective. An order can also be obtained under the Guardianship of Infants Act in the Chancery Division; it is important to remember that the court can make no order for maintenance in wardship proceedings, and therefore where young children are made wards of court by their mother a further summons should be taken out under the Guardianship of Infants Acts in order to give the court jurisdiction to award maintenance. Although the statutory jurisdiction of the Divorce Court to make orders for maintenance of children does not specify any upper age limit, it has not been the practice to make orders for children over the age of twenty-one. However, it has been held that the court has jurisdiction to make such an order in special circumstances: *Le Mare* v. *Le Mare* [1960] 2 W.L.R. 952. As the period of education becomes extended in more and more cases, such orders are likely to become very common.

**Variation of settlement**

One way in which provision may be made for husbands, wives or children is through the variation of settlements under the very wide provisions of s. 25 of the Matrimonial Causes Act, 1950. "Settlement" under that section has been held to mean almost any sort of financial arrangement made

with the marriage in mind, whether by the parties themselves or by other persons, and whether ante-nuptial or post-nuptial, from the purchase of the matrimonial home to an elaborate trust deed. The only arrangement during the course of the marriage which does not come within the province of this section would seem to be one entered into with a view to a future divorce: see *Young* v. *Young* (*No.* 1) [1961] 3 W.L.R. 1109; p. 665, *ante*.

The use of this jurisdiction is sometimes a convenient way of protecting the financial interests of a wife where she can no longer avail herself of Married Women's Property Act proceedings; once she has a decree absolute, the only course open for the settlement of a dispute over property may seem to be a protracted and expensive witness action in the Chancery Division. Section 25 should not then be overlooked, as it is available at any time after time for entrance of appearance to the petition. The procedure is by way of summons to a divorce registrar, who either makes an order or reports to a judge; where there are children involved the registrar must report to the judge, who will then hear the application either in chambers or open court.

### Enforcement

However wide the powers of the courts to order maintenance, the value of such orders depends ultimately on the ability to enforce them. In the past many orders have been made valueless by cunning methods of evasion, but some of these have been stopped by recent legislation. The law relating to enforcement is too complex to deal with shortly; many of the methods available are the same as may be used for the enforcement of any order for payment of money, such as judgment summonses, writs of fieri facias and sequestration, garnishee orders and distringas, but there are some procedures which are of particular relevance to maintenance orders.

Leaving the jurisdiction, an old trick for evading payment, is now useless in the case of Scotland, Northern Ireland and most of the Commonwealth, where the Maintenance Orders (Facilities for Enforcement) Act, 1920, applies. The procedure for enforcement of an order made here is to send a certified copy of the order to the Secretary of State for transmission to the governor of the particular territory where the husband is resident. Furthermore, a provisional order can be made in England even when the husband has already gone abroad if he is resident in one of the countries specified in the orders made under this Act. The courts of that country can then examine the husband and, if they think fit, confirm the provisional order. The Republic of Ireland is still a potential haven for the man who wants to avoid his obligations since the Act does not apply there.

Another popular way of avoiding payments under an order was to make sure that all earnings were spent as quickly as possible. It is true that a term of imprisonment was likely to result from this manoeuvre, but many husbands have chosen a few weeks in Brixton in preference to paying maintenance for their wives and families, and the prison sentence is a particularly useless remedy since it makes future payment even less likely. It is now possible to obtain an attachment of earnings order where there are arrears equal to four weekly payments due under the order. The court makes an order directed to the employer, specifying the normal deduction rate, the officer of the court to whom the deductions are to be sent, and the "protected earnings rate" below which the earnings should not be reduced by deductions under the order. This system, in use in Scotland for a long time, should make it unnecessary to commit any but the most hardened cases to prison.

Altogether, the structure of maintenance law in this country today is one of which we can be proud. In many European countries the law is heavily loaded in favour of the husband, but here we have achieved, by gradual evolution over the last sixty years, a high degree of equity in family law.

MARGARET PUXON.

# UNCHARITABLE RELATIONS?

CHARITABLE trusts enjoy several legal privileges—uncertainty of objects does not defeat, the cy-près doctrine may prevent failure, the rules against inalienability and perpetuities respectively do not apply and are relaxed, a majority of trustees may act—but the most sought-after privilege today is exemption from taxation. The laws of rating, estate duty, stamp duty, profits tax, corporation duty and, more particularly, income tax all contain provisions to varying degrees favourable to charities. Taxation is naturally something to be avoided like the plague and, whilst it would be uncharitable to suggest that this factor is responsible for the increasing number of charitable trusts, nonetheless it is hardly a deterrent.

"Charity begins at home," it has variously been said. How delightful it must be to give in to the natural temptation to succour one's nearest and dearest *and* in so doing to enjoy the aid of all the privileges accorded by law. There is, of course, that inconvenient rule that the public must benefit too (see below), but fortunately privacy may be secured without loss of privileges by following one or other of two devious and quite exclusive lines of charity decisions, respectively (but not respectfully) known as the "founder's kin" and "poor relations" cases. However, two recently reported cases—*Caffoor* v. *Income Tax Commissioner, Colombo* [1961] A.C. 584; p. 383, *ante*, and *Re Mead's Trust Deed*; *Briginshaw* v. *National Society of Operative Printers and Assistants* [1961] 1 W.L.R. 1244; p. 569, *ante*—prompt the writer, a member of the public, to re-examine both the public benefit rule and the validity and strength of the authorities enabling founder's kin and poor relations trusts to escape that rule. At this stage it may perhaps be convenient briefly to state that the former are trusts for the advancement of education, in form public but with a preference expressed for the founder's kin, and that the latter are trusts for the relief of poverty, in form and substance private. Also it may be noted that both are misnamed: it will be seen that neither has ever been confined to "kin" or "relations," each extending to other private classes such as employees of a company and members of a club.

### The register

Point would be added to this re-examination of authority if it were possible to say how many subsisting trusts rely for validity on one or other of these two exceptional lines of decisions. The new register of charities being compiled by the Charity Commissioners under the Charities Act, 1960, is still

## NURSES IN DISTRESS

——have been sustained through adversity and the problems of old age for more than 65 years by the

# JUNIUS S. MORGAN BENEVOLENT FUND

The calls on this Fund are still heavy; and it relies on voluntary donations, subscriptions under covenant and bequests to continue its work of alleviating distress, particularly amongst the older generation of nurses.

*Gifts will be gratefully acknowledged by the Secretary*

JUNIUS S. MORGAN BENEVOLENT FUND
15 Buckingham Street, London, W.C.2

# THE W.V.S. TRUST

**LEGACIES—GIFTS—COVENANTS**

are always welcome for special or general charitable work undertaken by W.V.S. including welfare work:

**FOR OLD PEOPLE OF LIMITED MEANS**
(Residential homes, flatlets, day clubs, meals on wheels)

**FOR MOTHERS AND CHILDREN AND HANDICAPPED**

**FOR THE SERVICES**

DRAFT CLAUSES FOR WILLS OR DEEDS OF COVENANT

and further details, and information about W.V.S. work, will be sent by The Secretary, W.V.S. Trustees Limited (administrators of The W.V.S. Trust), 41 Tothill Street, London, S.W.1

**W.V.S. would be glad if executors could be reminded that W.V.S. Centres throughout the country are glad to accept gifts of clothing**

*I bequeath*

When testators seek your advice please remember the Blind. The Royal London Society for the Blind has, since 1838, been caring for blind children and employing and housing blind adults.

The Society's activities include the education of blind children from five to sixteen years of age, the industrial training of adults, the employment of blind persons in workshops and the supervision of blind workers in their own homes. The Society maintains two residential homes for blind trainees and employees.

The work of the Society is constantly expanding. Legacies, donations and subscriptions are needed urgently. Please do all you can to help.

## THE ROYAL LONDON SOCIETY FOR THE BLIND

*Patron: Her Majesty The Queen*

105/9 SALUSBURY ROAD, LONDON N.W.6
*Telephone : MAlda Vale 8844*

*Registered in accordance with the National Assistance Act, 1948*

# Christmas

## a plea for help . . .

Christmas is gift-time, a time for generosity and goodwill to all. Could you, at this festive season, spare a thought for the children in our care? Over 800 boys and girls depend on us for homes and training; many more constantly seek admission. Being neither Subsidised nor Nationalised, continuous voluntary subscriptions are needed to carry on this work, for which no Welfare State can make provision.

*Please help us, wherever possible, by bringing our needs to the notice of intending benefactors. Full information about the Society's work willingly sent on request.*

**SHAFTESBURY HOMES & 'ARETHUSA' TRAINING SHIP**

PATRON H.M. THE QUEEN

*Please send donations to the Secretary, Mr. F. A. Thorp*

**164 SHAFTESBURY AVENUE W.C.2**

**" LIFELINE " is concerned for her—and her parents—concerned with the integration within the German economy of all those remaining displaced persons—non-German victims of the Nazis—who, sixteen years after the end of the war are still in shacks or in hovels, waiting for a home of their own.**

*PLEASE HELP US TO HELP THEM:*

**"LIFELINE"**

**(Adoption Committee for Aid to Displaced Persons)**

**67a Camden High Street, N.W.1**

very much in an embryo state (see "Registration of Charities," p. 1031, *post*). However, a quick check recently made through the indices of charities so far registered revealed a round dozen (mainly for the benefit of employees) which in the writer's view would be quite lost without the support of either the "founder's kin" or "poor relations" cases. (In the course of making this check, two or three "charities" already registered were incidentally noticed which appeared neither to comply with the public benefit rule nor to be within any exception thereto. Thus there is registered a trust for the benefit of the officers' mess of a well-known regiment and another to assist the administrative and clerical staff of a local authority to obtain satisfactory holidays. However, to say any more would be invidious.)

It will no doubt be appreciated by readers that, whilst a trust is conclusively presumed to be charitable whilst on the register of charities, this is so only for purposes other than rectification of the register (s. 5 (1) of the Charities Act, 1960). Any person (e.g., next of kin, or Inland Revenue Commissioners) affected by the registration of a trust as a charity may, on the ground that it is not a charity, apply for it to be removed from the register (s. 5 (2)). Appeal from the Commissioners' decision on such an application lies to the High Court (s. 5 (3) (4)), but what is most interesting to note is that a decision on appeal is not conclusive and may be reopened all over again if it appears, *inter alia*, "that the decision is inconsistent with a later judicial decision" (s. 5 (5)). Accordingly, the apparent certainty created by registration may be short-lived and the touchstone remains the ordinary law of charity, which will not be considered.

### Twofold test of charity

Whilst it is neither possible nor perhaps desirable to de-limit with any degree of confidence the legal sense of the word "charity," the principles to be applied in determining whether the purposes of any particular trust are charitable or not are reasonably clear. Reasonably clear in statement, that is; their application is bedevilled by the facts of borderline decisions, for "while no comprehensive definition of legal charity has been given either by the Legislature or in judicial utterance, there is no limit to the number and diversity of the ways in which man will seek to benefit his fellow-man" (per Viscount Simonds in *Inland Revenue Commissioners* v. *Baddeley* [1955] A.C. 572, at p. 583). The starting point of any discussion, whatever the particular way of benefit sought, is to state the twofold test which the way must pass to be charitable, namely, is it, one, within Lord Macnaghten's classic classification, and, two, of public benefit?

Lord Macnaghten's classification was uttered in *Income Tax Special Purposes Commissioners* v. *Pemsel* [1891] A.C. 531, at p. 583, as follows:—

> "'Charity' in its legal sense comprises four principal divisions: trusts for the relief of poverty; trusts for the advancement of education; trusts for the advancement of religion; and trusts for other purposes beneficial to the community not falling under any of the preceding heads."

The fourth of these divisions may appear to be very wide, but this is misleading: although every charity must be of public benefit (see below), the converse is not true. The reason is that this fourth division has been, in various post-war cases (notably *Williams' Trustees* v. *Inland Revenue Commissioners* [1947] A.C. 447 (H.L.)), strictly confined to purposes within the "spirit and intendment" of the preamble to the Charitable Uses Act, 1601. This Act was in fact repealed by the Mortmain and Charitable Uses Act, 1888, which, however, repeated the preamble (in s. 13 (2)). Now the 1888 Act has in its turn been repealed by the Charities Act, 1960 (s. 38 (1)), which does not repeat the preamble to the 1601 Act but does contain the following roundabout provision (s. 38 (4)):—

> "Any reference in any enactment or document to a charity within the meaning, purview and interpretation of the Charitable Uses Act, 1601, or of the preamble to it, shall be construed as a reference to a charity within the meaning which the word bears as a legal term according to the law of England and Wales."

This is roundabout since the law referred to is only to be found in decisions of the courts which themselves refer to the preamble to the 1601 Act, which therefore still lives.

This preamble, in fact, contains no definition but simply a list of certain purposes which are charitable. Since the list is funny—peculiar and amusing—both in what it puts in and in what it leaves out, it can readily be taken as indicative rather than exhaustive. However, it does start with "the relief of aged, impotent and poor people"—to be construed disjunctively (see, e.g., *Re Lewis; Public Trustee* v. *Allen* [1955] Ch. 104) so that the poor need not be impotent, but not extending, it is thought, to aged or impotent capitalists; it contains "the maintenance of schools of learning, free schools and scholars in universities," "the education and preferment of orphans," "the marriage of poor maids" and "the supportation, aid and help of . . . persons decayed"; and it concludes with "the aid or ease of any poor inhabitants concerning payment of . . . taxes." Thus, whatever may be left out, the advancement of education and the relief of poverty, both partly the subject of this article, each enjoy a prominent place in the list, so that in Lord Macnaghten's classification they not only have divisions to themselves but are clearly within his fourth, sweeping-up division.

### Public benefit

The second requirement, that of public benefit, has in recent years been repeatedly emphasised by members of our highest court, who have made it clear that, whilst the presence of this requirement alone does not create a charity, its absence affects not merely the fourth division of Lord Macnaghten's classification. This is now too certain to warrant discussion, but see, e.g., *Gilmore* v. *Coats* [1949] A.C. 427 (H.L.), *Oppenheim* v. *Tobacco Securities Trust Co.* [1951] A.C. 297 (H.L.), and *Re Cox; Edwin G. Baker* v. *National Trust Co.* [1955] A.C. 627 (P.C.), and note that "the principle that a trust or institution to be charitable must be for public benefit" has received statutory blessing in the proviso to s. 1 (1) of the Recreational Charities Act, 1958.

More often than not in the cases the approach is to quote with approval Lord Wrenbury in *Verge* v. *Somerville* [1924] A.C. 496, at p. 499:—

> "To ascertain whether a gift constitutes a valid charitable trust . . . a first inquiry must be whether it is public—whether it is for the benefit of the community or of an appreciably important class of the community. The inhabitants of a parish or town or any particular class of such inhabitants may, for instance, be the objects of such a gift, but private individuals, or a fluctuating body of private individuals, cannot."

However, Viscount Simonds in *Inland Revenue Commissioners* v. *Baddeley*, *supra* (at pp. 592–3), called the distinction in Lord Wrenbury's second sentence "elusive" and "a difficult

conception to grasp" and explained it as being the distinction between "a form of relief extended to the whole community yet by its very nature advantageous only to the few and a form of relief accorded to a selected few out of a larger number equally willing and able to take advantage of it."

Although it may sometimes be difficult to draw a line between private individuals, the "selected few," and a section of the public, the "advantaged few," it is clear that individuals selected by reference to "blood or contract"—such as the members of families, firms, or clubs—are private, not public (see particularly the judgment of Jenkins, L.J., in *Re Scarisbrick; Cockshott* v. *Public Trustee* [1951] Ch. 622 (C.A.)). Thus held *not* charitable have been trusts (involving no element of poverty) to provide holidays for the employees of a company (*Re Drummond* [1914] 2 Ch. 90); to educate the lawful descendants of three named persons (*Re Compton* [1945] Ch. 123); to relieve employees of a company who had suffered damage and distress from air raids (*Re Hobourn Aero Components Air Raid Distress Fund's Trusts* [1946] Ch. 194 (C.A.)); to educate the children of employees of a company (*Oppenheim* v. *Tobacco Securities, supra*); for the religious instruction of the Presbyterian descendants of settlors in New South Wales "hailing from or born in the North of Ireland" (*Davies* v. *Perpetual Trustee Co.* [1959] A.C. 439); and for a sanatorium and convalescent home for members of a trade union (*Re Mead, supra*).

In the last-mentioned of these cases, Cross, J., was faced by a conflict of two analogies: on the one hand, that a trust for persons engaged in a particular industry in a particular district is of public benefit (see *Hall* v. *Derby Sanitary Authority* (1885), 16 Q.B.D. 163), and, on the other hand, the view of Lord Simonds in *Oppenheim's* case, *supra* (at p. 306), that the employees of a company and their children, however numerous (the company in question had 110,000 employees), could never be a section of the public in the law of charity. Cross, J., said ([1961] 1 W.L.R., at p. 1249):—

> "I always find the question whether or not the common characteristic which is shared by a number of persons is or is not such as to make them a section of the public, and not a fluctuating body of private individuals, very difficult."

It is apparent, therefore, that it is not the number of beneficiaries but the nature of their common characteristic, i.e., whether or not it is one of "blood or contract," which determines whether or not a trust is of public benefit. The learned judge held that, since a man could be engaged in the industry concerned without joining the trade union, the members resembled the employees of a company. Still open, however, is the case of "closed shop" unions and monopolies. Lord Simonds adverted to this in *Oppenheim's* case, *supra*, asking (at p. 307), "Would a trust for the education of railwaymen be charitable, but a trust for the education of men employed by the Transport Board not be charitable?", and answering that he would consider this on its merits if the situation should arise.

### Founder's kin

As a pseudo-exception to the public benefit rule, settlors wishing to provide education for individuals ascertained by reference to "blood or contract" may still have open to them an ingenious method based upon the distinction between the "selected few" and the "advantaged few." This method, originally known as the "founder's kin scholarship," merely involves creating a trust in form primarily advancing the education of the public or a section thereof, with a direction attached that the trustees are to give preference to the settlor's relations, or children of his employees, etc. Despite the all-too-apparent intention of the settlor to benefit a selected few, such trusts have been both held charitable (see *Spencer* v. *All Souls College* (1762), Wilmot 163, and *A.-G.* v. *Sidney Sussex College, Cambridge* (1865), L.R. 4 Ch. 722), and elsewhere recognised as charitable, on the basis that the endowment of a college, university or school by the creation of a scholarship remains within the spirit and intendment of the preamble to the 1601 Act even though competition may be limited to a selected few (see per Greene, M.R., in *Re Compton* [1945] Ch. 123, at p. 136, and per Lord Simonds in *Oppenheim's* case, *supra*, at p. 306). If this is indeed the basis then the most recent decision in which a "founder's kin" trust was upheld, *Re Koettgen's Will Trusts; Westminster Bank* v. *Family Welfare Association Trustees* [1954] 2 W.L.R. 166, was certainly an extension. There the trust was for the commercial education of British-born persons generally, except that in selecting beneficiaries the trustees were directed to give preference to employees of a particular company, and their families, subject to a proviso that not more than 75 per cent. of the annual income should be applied for the benefit of the preferred beneficiaries. Upjohn, J., said (at p. 171) that "it is at the stage when the primary class of eligible persons is ascertained that the question of the public nature of the trust arises to be decided." Since in his view the primary class was British-born persons the trust was of public benefit and charitable. On the one hand, accepting the learned judge's view as to the primary class, which was a question of construction, should not the added direction have been regarded as repugnant thereto and so void? On the other hand, it may be thought that the settlor's view obviously was that the primary class as to 75 per cent. of the income was employees and their families. If so only 25 per cent. of the trust fund, assuming it to be severable, was held for charitable purposes. Apart from these alternative points, as already mentioned, the decision does go much further than the old "founder's kin" cases.

*Recent case*

This year a "founder's kin" case on the wrong side of the line, wherever it may be, reached the Judicial Committee of the Privy Council from the Supreme Court of Ceylon. In question in *Caffoor's* case, *supra*, in essence was a claim to exemption from liability to tax by virtue of a Ceylonese ordinance applying to trusts "of a public character established solely for charitable purposes." The committee (whose advice was delivered by Lord Radcliffe) invoked the general principles that govern the English law as to the validity of charitable trusts, *except* that they saw ([1961] A.C., at p. 601) no necessity to include rules which "appear to be specially associated with English local conditions or English history, or which appear to be now accepted as anomalous incidents of the general law." More specifically (at p. 602), this exclusion was explained as a reference to—

> "... any doctrine that had as its foundation the ancient English institution of educational provision for 'founder's kin' in certain schools and colleges, or old English decisions about charitable relief for poor relations of a testator. The former provisions were commonly accepted as validly instituted, though there seems to be virtually no direct authority as to the principle upon which they rested, and they should probably be regarded as belonging more to history than to doctrine; the latter are today treated as no more than an anomaly in the general law."

Clearly the Judicial Committee here felt a distinct lack of enthusiasm for the doctrines both of "founder's kin" and of "poor relations." The not-so-old English decisions

# Christmas Appeals

## *Help us to help another*
# *FOUR MILLION*

## THE FORCES HELP SOCIETY AND LORD ROBERTS WORKSHOPS

122 Brompton Road, London, S.W.3

Tel: KENsington 3243

**THE MAIN OBJECTS OF THE SOCIETY ARE—**

**HELP IN GENERAL** to Service and ex-Service men and women in time of need, distress or difficulty.

**HELP FOR THE DISABLED** in the Lord Roberts Workshops.

**HELP WITH TRAINING** at the Society's Rehabilitation Centres.

**HELP FOR CONVALESCENTS** in the Society's Princess Christian Homes at Knaphill, Portsmouth, and Ryde, Isle of Wight.

**HELP FOR CASES OF SPINAL INJURY.**

**HELP FOR THE DISABLED** requiring out-door occupation through the Society's Car Park Attendants Scheme.

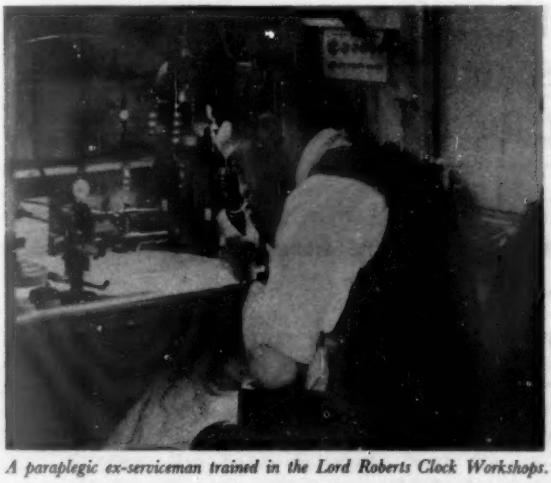
The Society has twenty **Cottage Homes** maintained for disabled and aged ex-Service men. It also administers **Regimental Cottage Homes** for the Dorset Regiment and East Surrey Regiment (now Queen's Royal Surrey Regiment).

For more than sixty years **The Forces Help Society and Lord Roberts Workshops** have brought timely aid to nearly **four million men and women** of the Fighting Services, and have pioneered the training of our War Disabled, so easily forgotten in times of peace. Evidence of our success in the field of rehabilitation is to be found in our eight Lord Roberts Workshops at Fulham, Liverpool, Bristol, Colchester, Brookwood, Edinburgh, Belfast and Dundee.

Here the disabled of two world wars are trained as skilled craftsmen, and guaranteed permanent employment, earning their own good living in the best possible atmosphere of care and encouragement. In addition, we have special Training Centres for the very seriously disabled, the majority of whom are paralysed as a result of spinal injuries. These are taught Clock Assembly and Repair, Invisible Mending and other trades within their powers.

Such enterprise, together with the physical care and guidance which we make available to all our Trainees, sets a standard of work among War Disabled which has led Her Majesty's Minister of Labour and National Service to say that his Department is proud to be associated with our Society, for it has done such magnificent work and is the outstanding organisation working for disabled ex-Service men and women.

Our Homes for aged and disabled ex-Service men, where we provide a haven for them in the evening of their lives, are filled to capacity, and there is usually a waiting list.



*A paraplegic ex-serviceman trained in the Lord Roberts Clock Workshops.*

To maintain this vital work, which is proving of incalculable help to great numbers of men and women, large funds are urgently needed. **WILL YOU, OF YOUR GENEROSITY, ASSIST THE SOCIETY by remembering our worthy cause when advising clients considering charitable legacies, donations or covenants ?**

## INFANTILE PARALYSIS FELLOWSHIP

THE NATIONAL VOLUNTARY BODY FOR THE POLIO DISABLED

REGISTERED IN ACCORDANCE WITH THE NATIONAL ASSISTANCE ACT, 1948

*Objects include :—*

**Aid for the distressed**
**Rehabilitation of the disabled**
**Welfare—by advice, grants, and special holiday hotels**
**Better conditions for Polios**

**RUGBY CHAMBERS, GREAT JAMES STREET, LONDON. W.C.1**

## HELP THE CLERGY

THE QUEEN VICTORIA CLERGY FUND

**(Patron: H.M. THE QUEEN)**

invites contributions to relieve the intolerable financial burdens of the parochial clergy of the Church of England. This Central Fund enables those who have no particular diocesan attachment to HELP THE CLERGY in the more poorly endowed parishes.

*LEGACIES, ANNUAL SUBSCRIPTIONS and DONATIONS are urgently required*

**CHURCH HOUSE, DEAN'S YARD, WESTMINSTER, S.W.1**

## This Christmas Please Help a Family in Distress

SUDDEN DEATH and incurable disease are tragedies which may at any moment strike down a professional man—bringing his family, only too often, the added distress of severe financial hardship and jeopardising plans for his children's education.

*LEGACIES AND DONATIONS*

**are urgently needed to ensure the continuance of this work.**

**Please send a Christmas donation.**

## PROFESSIONAL CLASSES AID COUNCIL (INC.)

*Patron : H. M. Queen Elizabeth the Queen Mother.*
*President : Sir Adrian C. Boult, O. St. J., Dr. Mus.*

*The Hon. Treasurer :*
**10, St. Christopher's Place, London, W.1.**

# central council for the care of cripples

### over 40 years progress

The Central Council, founded in 1919, is a voluntary organisation serving the disabled. It makes no distinction in its concern for the many kinds of physical handicap, and has developed voluntary services throughout the country.

### caring for young and old

Where the State services leave off the Council is at work—whether it is its Hesley Hall School for severely handicapped children or the travelling exhibition of simple aids which has brought a new concept of living to thousands of the disabled.

### vital medical research

The Council has always contributed to important research into crippling diseases, particularly those affecting children. Work on such projects which cannot initially be financed under the National Health Service, is vitally important—and costly.

### conferences and news

A central body is vital to ensure the fullest use of all the facilities of voluntary organisations. The Council is the recognised central organising body and runs conferences, information services, and an annual study tour of rehabilitation centres in Britain.

### help the disabled

Every year the Council promotes a 'Help the Disabled Week', which is aimed at making the public aware of the problems of the handicapped. To help the disabled all the year round the Council is appealing urgently for donations and covenants.

**Central Council for the Care of Cripples**

**34 Eccleston Square, London, S.W.1**

---

# *Comfort and Care for the Aged Poor !*

**THE FELLOWSHIP HOUSES TRUST** is a pioneer organisation with 25 years' service in providing Guest Houses and Self-Contained Flatlets at low cost for the Aged

***Many of Our Residents are over 80 and are Invalids***

**THE SMALLEST GIFT OR BEQUEST GRATEFULLY RECEIVED**

WILL YOU HELP US IN THIS OUR 25th YEAR?

*Report and Brochure gladly furnished by The Secretary,*

**THE FELLOWSHIP HOUSES TRUST, Clock House, Byfleet, Surrey**

(one in 1961, others in 1955, 1951 and 1950) on the latter anomaly are considered in a later section of this article.

The trust provision in *Caffoor's* case, *supra*, was for the education of such deserving youths of the Islamic faith as the trustees might in their discretion decide, but with a provision that the beneficiaries "*shall* be selected by [the trustees] from the following classes of persons and in the following order: (i) male descendants along either the male or female line of the grantor or any of his brothers or sisters failing whom (ii) . . ." The Judicial Committee construed this as conferring not a mere preference but an absolute priority which prevented the trust being of public benefit and charitable.

*Validity?*

Since relations and not the public were in *Caffoor's* case, *supra*, the primary class it was unnecessary to decide the validity of the "founder's kin" doctrine. Nonetheless one might understandably take the impression that, given the opportunity, the Judicial Committee would reject the doctrine out of hand. Indeed, did they not say that they excluded the doctrine from Ceylonese law (derived from English law), which they were applying in the case? This impression would be strengthened by the fact that the Judicial Committee (at p. 604) expressly found it unnecessary either to approve Upjohn, J.'s decision in *Re Koettgen* or to say "whether they regard the distinction which he made as ultimately maintainable," adding that it "edges very near to being inconsistent with *Oppenheim's* case." The decision was simply left as depending on a construction of the particular trust instrument there in question.

Of course, if this impression were correctly taken it might well foretell the death knell of the "founder's kin" doctrine, which rests only on authority at first instance, although enjoying limited recognition by higher courts. However, burial would be premature, for in *Caffoor's* case, *supra*, contradicting everything giving rise to the impression of a death knell, the Judicial Committee also found it necessary to say (at p. 603) that—

> "they do not think that a trust which provides for the education of a section of the public necessarily loses its charitable status or its public character merely because members of the founder's family are mentioned explicitly as qualified to share in the educational benefits or even, possibly, are given some kind of preference in the selection."

The actual decision in *Caffoor's* case, *supra*, was undoubtedly correct and that of Upjohn, J., in *Re Koettgen*, *supra*, on a point of construction may be wrong. But have not the Privy Council here accorded recognition to the very principle on which Upjohn, J., based his decision? True, the recognition is a little faint-hearted—"not . . . necessarily" and "even possibly" not being the language of conviction—but it is there to cast doubt on any anti-"founder's kin" impression otherwise taken.

## Poor relations

So far it has been stated that a charity must be of public benefit and that beneficiaries selected by reference to "blood or contract" are not a section of the public in the law of charity, and a pseudo-exception to this, the "founder's kin" doctrine, has been discussed. Now the so-called "poor relations" cases, which are said to be a genuine exception to the public benefit rule, but which received a slighting reference in *Caffoor's* case, *supra*, may be considered. These "poor relations" cases are simply a number of clear decisions to the effect that trusts for the relief of poverty may be charitable despite the lack of public benefit. The line of cases has its roots in some very old decisions—*Isaac* v. *Defriez* (1754), 2 Amb. 595, is usually spoken as the oldest, but there are earlier decisions, e.g., *Goff* v. *Webb* (1602), Tothill 30, and *A.-G.* v. *Pearce* (1740), 2 Atk. 87—and there is no dearth of authority since (see the cases cited in Tudor on Charities, 5th ed., at p. 26). However, it is proposed in this article not to refer to cases decided before 1950.

Illustrating that it still subsists without loss of vigour, the "poor relations" doctrine has within the last twelve years been applied to hold valid charitable trusts to relieve the poverty of necessitous employees of a company and their dependants (*Gibson* v. *South American Stores (Gath and Chaves)* [1950] Ch. 177 (C.A.)); of relations in needy circumstances of the children of a testatrix (*Re Scarisbrick* [1951] 1 Ch. 622 (C.A.), also holding that such a trust need not, as was once thought, exceed the perpetuity period); of widows and orphans of former bank employees (*Re Coulthurst; Coutts & Co.* v. *Coulthurst* [1951] Ch. 661, relief of poverty here being not expressed but inferred from the context); of "fellow members [of the Savage Club] who may fall on evil days" (*Re Young; Westminster Bank* v. *Sterling* [1955] 1 W.L.R. 1269); and of aged trade union members no longer able to support themselves and their wives (*Re Mead, supra*; note that use of the sanatorium and convalescent home earlier mentioned was not confined to poor members).

*How private?*

Thus it may be seen that a good many trusts have been held charitable though not apparently of public benefit. Poverty is, of course, relative, not meaning destitution, but how poor the relations, etc., need be is not within the scope of this article, although it may be said that in the relief-of-poverty division of charitable trusts alone there must be no incidental benefit to the rich (see, e.g., *Re Gwyon; Public Trustee* v. *A.-G.* [1930] 1 Ch. 255—trust to provide knickers, bearing the legend "Gwyon's Present," for local boys, not excluding the affluent, held not charitable). Assuming poverty, therefore, how private may the trust be and still be charitable? Would sufficient beneficiaries be constituted by, say, the settlor's two poverty-stricken daughters? (Compare *Re Abbott Fund Trusts; Smith* v. *Abbott* [1900] 2 Ch. 326, concerning a trust for two deaf and dumb ladies who had been deprived of their patrimony.) This question was considered by Jenkins, L.J., in *Re Scarisbrick*, *supra*, and he said (at p. 651) that—

> "gifts to named persons if in needy circumstances, or to a narrow class of near relatives, as for example to such of the testator's statutory next of kin as at his death shall be in needy circumstances . . . would obviously not be for the relief of poverty in the charitable sense."

He added that "it is difficult to draw any exact line" and that "relations" in the context of poverty would not be construed, as it would in the case of a gift to "relations" *simpliciter* (see *Re Gansloser's Will Trusts; Chartered Bank of India, Australia & China* v. *Chillingworth* [1952] Ch. 30), as being confined to statutory next of kin. Where to draw the line is a familiar question in life and law and the answer is that "courts of law ought not to be puzzled by such old scholastic questions as where a horse's tail begins and where it ceases. You are obliged to say, 'This is a horse's tail' at some time" (per Chitty, J., in *Lavery* v. *Pursell* (1888), 39 Ch. D. 508, at p. 517). In other words, it is not necessary to draw a line, it is enough to say that any particular case is

on one side or the other of any reasonable line that could be drawn (see per Coleridge, L.C.J., in *Mayor of Southport* v. *Morriss* [1893] 1 Q.B. 359, at p. 361). So all that can be said is that whilst a "poor relations" trust need not be public it must not be too private.

*Anomalous*

On what basis are the "poor relations" cases permitted to be an exception to the public benefit rule? At first instance in *Gibson* v. *South American Stores (Gath and Chaves)* [1949] Ch. 572, at p. 579, Harman, J., said that "the explanation of the poverty cases is that a much narrower object may in them be considered to work a public benefit than in other categories," but this was not accepted by Lord Evershed, M.R., on appeal ([1950] Ch., at p. 197), who said that he thought the cases simply anomalous. However, the following year, Lord Evershed blew hot and cold in *Re Scarisbrick*, *supra*, (at p. 639), as follows:—

> "The 'poor relations' cases may be justified on the basis that the relief of poverty is of so altruistic a character that the public element may necessarily be inferred thereby; or they may be accepted as a hallowed, if illogical, exception."

In the same case, Jenkins, L.J., said (at p. 649) that "this exception cannot be accounted for by reference to any principle but is established by a series of authorities of long standing." It is thought that all that can really be said as to the basis of the "poor relations" cases had already been said by Lord Greene, M.R., in *Re Compton* [1945] Ch. 123, at p. 139, namely that "the cases must at this date be regarded as good law, although they are, perhaps, anomalous."

*Open to review*

It must be noted, however, that the "poor relations" anomaly is good law only so far as the Court of Appeal and courts below are concerned. The doctrine is still open to review by the House of Lords and Privy Council (see *Inland Revenue Commissioners* v. *Baddeley*, *supra*, at p. 590; and *Re Cox*, *supra*, at p. 637). Recalling the distinct lack of enthusiasm for it evinced by a strong Privy Council in *Caffoor's* case, *supra*, one may wonder whether the opportunity would not be taken to overrule the doctrine. After all, it is anomalous, and as Lord Wright said in *National Anti-Vivisection Society* v. *Inland Revenue Commissioners* [1948] A.C. 31, at p. 46 (where the House of Lords repudiated the long-held belief that anti-vivisection was charitable)—

> "One of the most important aspects of the judicial functions of this House is to harmonise or correct the decisions of the lower courts, even though . . . it would be 'overruling decisions which have been treated as binding for generations'."

(Lord Wright here quoted Lord Birkenhead, L.C., in *Bourne* v. *Keane* [1919] A.C. 815, at p. 830, where the House of Lords overruled a line of charity decisions going back to the Charities Act, 1547.)

However, comments have been made in the House of Lords on the prospects there of the "poor relations" cases, and these comments cannot be ignored. In *Oppenheim's* case, *supra*, Lord Simonds said (at pp. 308–9):—

> "It is not for me to say what fate might await these cases if in a poverty case this House had to consider them. But, as was observed by Lord Wright in *Admiralty Commissioners* v. '*Valverda*' (*Owners*) [1938] A.C. 173, at p. 194, while 'this House has, no doubt, power to overrule even a long-established course of decisions of the courts, provided it has not itself determined the question' . . . yet 'in general this House will adopt this course only in plain cases where serious inconvenience or injustice would follow from perpetuating an erroneous construction or ruling of the law.' I quote with respect these observations to indicate how unwise it would be to cast any doubt upon decisions of respectable antiquity in order to introduce a greater harmony into the law of charity as a whole."

The observant reader will not require his attention drawing to the conflict of approach between this quotation and what Lord Wright said in the *Anti-Vivisection* case, *supra*, ten years after the *Valverda* case referred to by Lord Simonds.

Nonetheless, the tenor of these words of Lord Simonds in the *Oppenheim* case, *supra*, does appear to favour the chances of the "poor relations" cases in the House of Lords, but in his subsequently delivered judgment in the same case, Lord Morton observed (at p. 313) that the "poor relations" cases "may require careful consideration in this House on some future occasion." In reality, therefore, as indicated by the two passages cited from judgments of Lord Wright, what the House of Lords will do with the "poor relations" cases if and when the occasion should arise is quite unpredictable. On the one hand the anomalous aspect of the cases is becoming increasingly apparent in the light of the current trend of charity decisions, which is to emphasise the requirement of public benefit. Further, the writer sees no acceptable reason why private trusts should enjoy the considerable (tax) advantages of charitable status. On the other hand, property rights do depend upon these cases and there is an evident and understandable reluctance to overrule such cases (see per Lord Buckmaster in *Bourne* v. *Keane* [1919] A.C. 815, at p. 874).

**Validation**

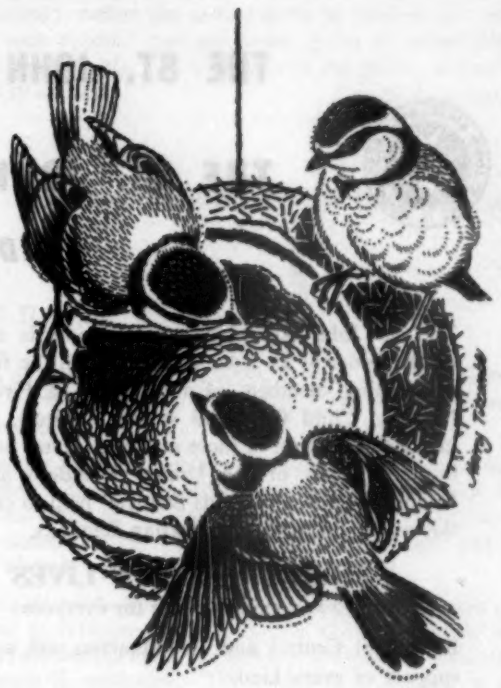
Just supposing that one day either of the doctrines of "founder's kin" and "poor relations" were to be tried by the House of Lords and found wanting, that is to say, not charitable because not of public benefit, what would be the position? Prima facie there would be a number, possibly large, of resulting trusts (see *Re Gillingham Bus Disaster Fund*; *Bowman* v. *Official Solicitor* [1958] Ch. 300). However, all may not be lost: quite possibly there may be found to be an "imperfect trust provision" within, and consequent validation by, s. 1 of the Charitable Trusts (Validation) Act, 1954. Thus, in *Re Scarisbrick*, *supra*, the trust was for poor relations "*and* for such charitable objects . . . as the survivor of my said son and daughter shall by will or deed appoint." Also, in one of the comparatively numerous recent cases on the 1954 Act, *Re Wykes*; *Riddington* v. *Spencer* [1961] Ch. 229; p. 109, *ante*, Buckley, J., after referring to the "charitable or benevolent" kind of trust exemplified by the celebrated *Diplock* case (*Chichester Diocesan Fund and Board of Finance* (*Incorporated*) v. *Simpson* [1944] A.C. 341), continued ([1961] Ch., at pp. 243–4):—

> "It does not follow, however, that this was the only form of defective quasi-charitable trust that the Act was intended to validate. From the year 1895, when Chitty, J., decided *Re Foveaux*, until that case was overruled in *National Anti-vivisection Society* v. *Inland Revenue Commissioners*, the suppression of vivisection was believed to be a charitable purpose, although in the latter case this was held not to be so. There may well be other trusts in operation as charitable trusts at the present time which are similarly vulnerable. Why should it be supposed that the Legislature did not intend the Act to apply to such trusts if within the ambit of their objects some charitable purposes can be found?"

This presents an interesting and difficult line of argument, but to pursue it here would unfortunately involve lengthening an already lengthy article; also the 1954 Act is already discussed in the light of recent decisions in an article in this issue at p. 1039. The only point which will be added, therefore, is that if the 1954 Act were ever to operate on a "founder's

# THE ROYAL SOCIETY FOR THE PROTECTION OF BIRDS

PATRON: HER MAJESTY THE QUEEN



**Birds have too many enemies and too few friends.** The R.S.P.B. needs more help if it is to protect our beautiful wild birds in an urbanised and mechanised world, which places less and less value on anything which is not "economic." The Society maintains bird-sanctuaries and Wardens. It campaigns against pollution of the seas by fuel oil, which kills tens of thousands of sea-birds every year. It organises clubs for young bird-watchers, and easy competitions in schools to foster a humane and practical appreciation of nature in young people. In these and many other ways it works unceasingly to protect birds.

**When you are consulted about bequests by those who love and value animals, will you kindly remember our work.**

*Further details will gladly be supplied on application to The Secretary,*

THE ROYAL SOCIETY FOR THE PROTECTION OF BIRDS
25, ECCLESTON SQUARE, LONDON, S.W.1 (Telephone: VICtoria 2412)

---

# HISTORIC CHURCHES PRESERVATION TRUST

*Patron:* HER MAJESTY THE QUEEN *President:* H.R.H. THE PRINCE PHILIP, DUKE OF EDINBURGH
*Chairman:* THE ARCHBISHOP OF CANTERBURY

Will you help to save England's heritage of ancient and beautiful churches? Over 1,200 churches and chapels have already been helped, but many hundreds still urgently need repair. Many of the finest are situated in small parishes where their upkeep has always been a difficult problem. £100,000 a year must be raised to augment local efforts.

**LEGACIES, DONATIONS AND SUBSCRIPTIONS will be gratefully received by the Secretary**

## HISTORIC CHURCHES PRESERVATION TRUST

**FULHAM PALACE, LONDON, S.W.6**

*Interesting illustrated literature and forms for covenanted subscriptions will gladly be sent on request*

kin" or "poor relations" trust, the validation, conferring as it must a public benefit, might well twist the trust into something contrary to the settlor's wishes, i.e., into a public rather than a private trust. If so, it seems that no complaint can be heard; rather the settlor is to be treated as "hoist with his own petard" (see per Cross, J., in *Re Mead* [1961] 1 W.L.R., at p. 1252). As a member of the public, the writer respectfully concurs.

J. T. FARRAND.

## Oversea Influence of English Law

# MALTA—II

*By* Professor J. M. GANADO, B.A., Ph.D. (Lond.), LL.D., of the University of Malta.

THE law of criminal procedure is ultimately based on such principles as the presumption of the innocence of the accused, the accused's right to remain silent if he so prefers and his immunity from being asked any questions, and other principles deriving from English law. The law of evidence is based on English law notions. Trials for offences carrying a punishment in excess of three months' imprisonment are heard by a judge and a jury of nine men; but if the possible punishment does not exceed two years' imprisonment, the Attorney-General may send the case for decision by the magistrates' courts. If the possible punishment is in excess of twelve years' imprisonment, the court is constituted of three judges, with a jury of nine men. Women are not allowed to serve as jurors. The jury must return a verdict of "guilty" of the offence as charged or of some implied subordinate offence or a verdict of "not guilty." A verdict of "not proven" is not allowed. The verdict need not be unanimous, but, with some minor exceptions, must have a majority of at least six to three. The court cannot disturb a verdict of "not guilty" but, if it considers that a verdict declaring guilt is not in accordance with the evidence, it may quash the verdict and order a new trial.

Although the law of criminal procedure is based on English law notions, it has peculiarities of its own and can be regarded as forming part of an eclectic system. A man may not be held under arrest by the executive police for more than forty-eight hours, at the end of which period he must either be released or presented before a magistrate and charged. One or more releases of this nature, however, does or do not prevent the police from arresting a man again. During the compilation of the evidence, which is conducted by a magistrate of judicial police sitting as a court of criminal investigation, it is permissible for the magistrate to have conferences in private with the prosecuting officers without the presence of the accused. If the magistrate thinks that there are no grounds for committing to trial the man charged, he may order his release; otherwise, he orders that the records be sent to the Attorney-General, by whom the bill of indictment is filed before the Criminal Court, if he decides that the case is to be proceeded with before the superior courts. Of course, the Attorney-General may stop the case by a *nolle prosequi*.

### Experts appointed by the court

Experts are only appointed by the court and neither the prosecution nor the defence has the right to tender expert evidence. Under such a system, while puzzling conflicts of technical opinions and partiality in the expression of expert opinion are avoided, the court experts cannot be contradicted other than by cross-examination, which is in itself a very relative and doubtful means, or by the quotation to them of published works. Furthermore, the experts are often expected to express opinions quite early in the case, before the case for the defence is put forward, and the situation is not always ideal.

Counsel for the prosecution is debarred from commenting on the choice of the accused not to give evidence, but the judge in his summing-up may do so. If the accused elects to make a statement, the statement must be on oath and he subjects himself to being cross-examined.

Statements made by the accused before the trial are not admissible in evidence unless they are made voluntarily and freely and are not the result of threats or promises of advantage by a person in authority. The giving of a warning is not essential for the validity of the statement. The practice is to deal with the question of the admissibility of the statement together with the merits of the case, with the result that if the accused elects to give evidence to prove that his statement was extorted by violence or promises, he puts himself open to being asked whether the contents of the statement were true or not. In this way, statements which have really been extorted by violence or promises of favour very often cannot be attacked, as extraneous evidence is generally not available.

The statement of a co-accused, whether made before or during the trial, cannot be considered as evidence either for or against the other co-accused. However, in case accomplices are tried separately, the evidence of an accomplice is admissible evidence only if it is substantially corroborated by other evidence. A separation of trials can be ordered by the court only if a request is made to that effect by the Attorney-General. The accused on the contrary cannot make a request for the separation of trials—a situation which is obviously anomalous. The accused has always the right to the last word, independently of whether he gives evidence or not or tenders extraneous evidence.

There is no appeal as of right from the findings or sentence given by the Criminal Court. Leave to appeal to the Judicial Committee of the Privy Council may be granted by the Judicial Committee in exceptional cases. The constitution of a Court of Criminal Appeal was proposed several times but so far no such court has been created.

As already stated, the substantive part of criminal law is based on Continental models and the courts have in the main followed Continental doctrine, although of recent years English judgments and text-books have often been referred to by way of analogy on many points and especially on such matters as libel and slander. Certain theories of English law, such as the doctrine of recent possession in theft and the doctrine of last opportunity in criminal negligence, have been followed and applied. However, there are some sections of the law which are directly derived from English law and

it is proposed to mention specifically the following three points :—

(*a*) *The plea of intoxication*

Until 1935, drunkenness did not constitute a defence to any criminal charge. In 1935 the following rules were introduced into the Criminal Code :—

> "(1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge.
>
> (2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—
>
> (i) the state of intoxication was caused without his consent by the malicious or negligent act of another person ; or
>
> (ii) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.
>
> (3) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence."

The plea under (2) (ii) leads to detention at the Hospital for Mental Diseases at the pleasure of the Crown, while the pleas under (2) (i) and (3), if accepted, lead to an acquittal.

The wording under (3) above has given rise to some difficulty in interpretation. However, the wording and the meaning of the section are clear and the law accepts intoxication as a defence if it is such as to exclude the capacity of forming a criminal intent. The difficulty is really one of application of the rule to particular cases, in view of the fact that individual reactions to intoxication not only do not conform to set patterns but are subject to extraordinary variations.

(*b*) *Infanticide*

Until Ordinance No. VI of 1947 no distinction was drawn between voluntary homicide (i.e., murder) and infanticide. That ordinance introduced the notion of infanticide as distinct from murder if it is committed by the mother when she is still under the effect of delivery or lactation. The amendment, which was based on English law, runs as follows :—

> "Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effects of giving birth to the child or by reason of the effects of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to wilful homicide, she shall be guilty of infanticide and shall be liable to the punishment of imprisonment for a term not exceeding twenty years."

(*c*) *Probationary system*

The system of probation of offenders was recently put into operation, its absence having long been felt.

In the application of punishment, the courts in Malta have had much less discretion than the English courts. The punishment for most crimes is specified by the law with an indication of the minimum and the maximum. Originally, the court had no authority to go below the minimum, although it could give a conditional discharge to first offenders in cases liable to not more than two years' imprisonment or hard labour (apart from a few excepted cases) if, having regard to the trivial nature of the offence, the circumstances under which it was committed, and the age, character and antecedents of the offender, it considered it would meet the ends of justice so to do. During the war, the harshness of certain punishments (especially those for theft) necessitated a relaxation and the courts were authorised to go below the minimum or to apply a different type of punishment from that provided, if they considered that the special circumstances of the case called for such a treatment, such special circumstances to be mentioned in the judgment. Subsequently, the possibility of a conditional discharge was extended to cover cases liable to not more than ten years' imprisonment or hard labour and the court's discretion was further extended.

Conditional discharges were found very often not to produce the desired effect, unless the offender was subjected to some surveillance and received some guidance from time to time. The courts of recent years took the initiative of putting offenders, especially young offenders, under the charge of various persons, and the parish priests, the director of the approved school and other officials agreed to keep a watchful eye on them. This practice opened the way to the appointment of probation officers and the introduction of a proper system of probation.

A probation order may be made in cases which are liable to a punishment not exceeding ten years' imprisonment or imprisonment with hard labour and may impose restrictions of various forms, including the sending of the offender to some institution. If the offender is not less than fourteen years old, the court must not make the order unless the offender expresses his willingness to comply with its requirements. The order may be subsequently discharged or amended by the court.

The court also has authority to discharge an offender either conditionally or absolutely. Such discharges are possible in cases which are liable to a punishment not exceeding ten years' imprisonment or imprisonment with hard labour.

**Private law**

In the field of civil law, English law has hardly had any direct influence on Maltese law. However, on points of conflict of laws, the Maltese courts have in the main followed English case law and doctrine, with a few important exceptions, such as on questions relating to validity of marriages, divorces and cognate matters. In commercial law the influence of English law has been quite substantial.

Mention has already been made of the 1858 Ordinances on maritime law which were based on English law. These ordinances now form part of the Commercial Code. Several parts of the Merchant Shipping Act are applicable to Malta.

Certain statutes of the British Parliament, such as those relating to copyright, are directly applicable and there is also local legislation for the protection of industrial property which possesses certain features of similarity with the corresponding United Kingdom law.

Company law has been in the limelight, especially in recent years in view of the industrial development of the island. The Maltese law on partnerships was based on French law and distinguished between partnerships (1) *en nom collectif* or *in nome collettivo*, i.e., partnerships entailing unlimited liability of all the partners ; (2) *en commandite* or *in accomandita*, in which there are some active partners whose responsibility is unlimited and some partners who merely invest capital and whose responsibility is limited ; and (3) *anonyme* or *anonima*. The last named category was also called limited liability company.

# *"A fight by scientists to save the lives of thousands of British children . . ."*

*CHRISTOPHER CHATAWAY, M.P., in a B.B.C. broadcast.*

---

The Muscular Dystrophy Group urgently requires funds to extend its medical research.

The search is for the cause and cure of this slow wasting away of the muscles which cripples and destroys so many young lives.

---

*Chairman:* F. J. NATTRASS, M.D., F.R.C.P.,
Emeritus Professor of Medicine, University of Durham.

*Vice-Chairman:* J. N. WALTON, M.D. M.R.C.P.

The opportunity to send full information to any individual, trust or company would be welcome. Please write or telephone:

**The General Secretary: Mrs. JOAN VINCENT,**
**THE MUSCULAR DYSTROPHY GROUP,**
**26 BOROUGH HIGH STREET, LONDON, S.E.1**
**TEL. HOP 2324**

ARCHITECT'S IMPRESSION OF NEW CLUB IN CYPRUS
NOW IN COURSE OF CONSTRUCTION
**Funds are urgently needed for this Project**

# Church of England Soldiers', Sailors' & Airmen's Clubs (C.E.S.S.A.C.)

Incorporated: 1891

**Patrons:**

**H.M. The Queen**
**H.M. Queen Elizabeth the Queen Mother**

## SEVENTY YEARS OF SERVICE TO THE CHURCH AND THE SERVICES

C.E.S.S.A.C. provides Clubs at Service Stations at Home and Abroad where men and women regardless of creed, race or colour may find rest, relaxation and invigoration in a homely atmosphere with a purposeful background.

At present the Association has clubs in Portsmouth, Aldershot, Catterick, Aden, Singapore and Cyprus. In all cases, except for the direct management, they are run by local VOLUNTARY Committees who give of their time and energy to this very worthwhile cause.

Since 1945 many clubs have been lost—first in India and then in Egypt. At home clubs have had to be closed owing to the redeployment of troops.

## NOW A VIGOROUS PROGRAMME OF RE-EXPANSION IS BEING PURSUED

Clubs at home are being modernised to make them as attractive as possible in the contemporary style without losing the essence of the Association's life work—to provide a homely atmosphere where the padres can meet the men and women of the Services "off duty."

Abroad clubs are being rebuilt or extended. The Cyprus club is being wholly rebuilt on a new site near the new garrison Church.

£20,000 is needed for this project alone—all of which will have to be found from the Association's very limited capital resources unless YOU are able to HELP.

Boredom and frustration still exist in the Services—please help to uphold the moral stability of our serving men and women.

Legacies, Donations, Annual Subscriptions or a Seven-year Covenanted Subscription should be sent to:—

## Church of England Soldiers', Sailors' and Airmen's Clubs

537 GRAND BUILDINGS, TRAFALGAR SQUARE, W.C.2

Enquiries: "*The Secretary*" address as above.
Telephone: WHItehall 3701

TERRACE OF C.E.S.S.A. CLUB, ADEN

A draft Bill proposed by a commission nominated for the purpose has recently been published and will soon become law. The tripartite distinction mentioned above has been retained. The principal aims of the draft Ordinance consist in the reformation and modernisation of the law of partnerships, including companies. The office of Registrar of Companies is being created and a proper system of registration is being introduced. In general, the draft Ordinance has been inspired by the United Kingdom Companies Act, 1948, in respect of limited liability companies and by the Italian Civil Code of 1942 in respect of the other kinds of partnerships.

Hitherto, a partnership came into existence as soon as it was constituted by written instrument, such written instrument in whole or in part as the case may be subsequently receiving commercial publication. If the formalities prescribed by law were not observed, the partnership was said to be "irregular." The position of these irregular partnerships was briefly that their "irregularity" could not be pleaded to the detriment of third parties; in the internal relations between the parties, there was merely a state of community of property. Under the proposed law, the notion of an irregular partnership is being eliminated.

Many important changes in the law have been effected. For example, hitherto a limited liability company had to be constituted for a limited duration; according to the draft Bill, it may be constituted for an indefinite period of time. Important provisions regulate the dissolution and winding up of partnerships and a distinction is drawn between the dissolution of a partnership and the mere cessation of the contractual relationship in respect of one or more partners only.

*(Concluded)*

# THE CRUCIAL POINT

To change or not to change; that is the question facing the Government today as it has confronted successive Governments for nearly two hundred years. The metric system originated in France in the wake of the French Revolution and it was introduced in that land in 1799, although it became the sole legal system only in 1840. Decimal coinage appeared in the United States in 1786 and, since this period, the system of metric weights and measures and decimal coinage has been adopted in most countries outside the English-speaking world. The question remains: should the United Kingdom fall into line?

## Historical background

The United Kingdom Government first considered the possibility of making the change to decimal coinage in 1799 and on 25th February, 1824, Sir John Wrottesley asked the Government "to inquire how far the coin of the realm could be adapted to a decimal scale." He pointed out that France and America and even "the ancient kingdom of China" had adopted decimal coinage, but his motion received little support. Mr. Wallace did not deny that there were advantages attending the proposed system but he was not prepared to assent to Sir John's proposition, "believing that the inconveniences that would inevitably follow the change, would be very great, and of a character that the expected benefits would not compensate . . . Whatever were the defects in theory of our present system, it had been so long in practice, and the people were so habituated to it, that very little inconvenience was actually experienced." Sir John did not press his motion to a division, though he trusted that the young members of the House of Commons would live to see the principle of his measure carried into effect.

Royal Commissions appointed in 1838 and 1843 both reported in favour of decimalisation, but the only action taken upon these reports was the introduction of the florin in 1849. In 1853 a Select Committee of the House of Commons reported in favour of the £: mil system of decimal coinage (i.e., dividing the £ into 1,000 farthings) and in 1854 Mr. Gladstone declared "that a decimal system would be of immense advantage in monetary transactions. The weight of authority on that head is irresistible." However, he did not think that there was sufficient evidence as to the "sense and feeling" of the country with respect to it and Royal Commissions appointed in 1856 and 1868 concluded that it was not desirable "to disturb the established habits of the people in regard to the coins now in use." A Royal Commission appointed in 1918 gave a majority report against any change, but in 1951 the Board of Trade Committee on Weights and Measures (the Hodgson Committee) recommended that the Imperial system of weights and measures should eventually be replaced by the metric system and that this change should be preceded by, *inter alia*, the adoption of decimal coinage. Of course, the Weights and Measures (Metric System) Act, 1897, legalised the use in trade of the metric system and several industries make use of this sytem, but some Acts specifically require a commodity to be sold in Imperial units.

## Commonwealth developments

Before saying more about the position in the United Kingdom, it may be interesting and helpful to examine in outline recent developments in other countries within the Commonwealth. In India the Indian Coinage (Amendment) Act, 1955, enabled the Government of India to introduce decimal coinage in that land and the new coins became legal tender on 1st April, 1957. Under the new system the rupee remains the same both in value and nomenclature and it is divided into one hundred equal parts called "paisa," as against the former division into 64 pice or 192 pies. Thus the paisa is the primary unit of Indian currency, and its multiples of 2, 5, 10, 25 and 50 constitute the different units of the new coinage. At the time of introducing the new currency the Indian Government made it clear that the old coins would continue to be legal tender for a period of at least three years during which new coins would be produced and the old ones gradually withdrawn.

In South Africa (which was then in the Commonwealth) the decision to introduce decimal coinage was announced by the Union Government on 11th December, 1958, and the Decimal Coinage Act No. 61, 1959, was passed in June of that year. The Act made provision for the introduction of a new currency of Rands and cents, the Rand being the exact equivalent of ten shillings. Tuesday, 14th February, 1961, was proclaimed "D" (Decimalisation) Day and from that day, and for the following eighteen to twenty months, it was recognised that there should be a dual coinage system of £ s. d. and Rand/cents. The following Rand bank notes

and cent coins were issued on and after 14th February, 1961, and their sterling equivalents are shown in brackets :—

Bank notes : R1 (10s.), R2 (£1), R10 (£5) and R20 (£10).
Silver coins : 50c (5s.), 20c (2s.), 10c (1s.), 5c (6d.) and 2½c (3d.).
Bronze coins : 1c and ½c (no exact equivalents).

It will be noted that there is no 25c coin and gold coins to the value of R1 and R2 are struck only in limited quantities as parts of sets to be sold to numismatists throughout the world.

### Organising the transition

The new South African system of coinage is of particular interest to readers in the United Kingdom because it represents a change from £ s. d. to a decimal system. It is also significant that the Decimal Coinage Act No. 61, 1959, made provision for the appointment of a corporate body, to be known as the Decimalisation Board, to organise the transition from the old to the new currency. The board was given powers regarding compensation to owners of mechanical accounting machines and instruments, advances to owners and suppliers of such machines and instruments and authority to enter into contracts with such suppliers. In the event, the board formulated a regional conversion plan under which businesses in cities received priority and arrangements were made for machines to be loaned to businesses for their use during the conversion of the originals. Further, machine companies were required to submit their own detailed plans, which were approved by the board only if they fitted in to the maximum practicable extent with the board's master plan. The object of the regional conversion plan was to avoid a " free for all " scramble to obtain new machines or conversions.

Decimal coinage was introduced in Pakistan with effect from 1st January, 1961, under powers conferred upon the Government of Pakistan by the Pakistan Coinage Act (Amendment) Ordinance, 1960. As in India, under the new system the rupee remains the same both in value and nomenclature and it is divided into 100 equal parts called " paisa " as against its former division into 16 annas or 64 pice or 192 pies. Although some of the decimal coins were introduced on 1st January, 1961, all old coins remain legal tender and they will be withdrawn from circulation only when the people have become accustomed to the use of new coins and the Pakistan Mint has produced enough new coins to meet the current demand. The standard abbreviations for the two units of the new Pakistan currency are Rs. and Ps., both in the singular and plural forms, and the correct method to express all amounts in the Pakistan currency is up to two places of decimals. Thus Rupee 1 and 4 paisa is now expressed as Rs. 1.04.

### Moves in Australia and New Zealand

Australia and New Zealand have both considered the adoption of the decimal system of coinage and both watched with interest the way in which the Union (now the Republic) of South Africa brought about the change. In New Zealand the Decimal Coinage Committee concluded that the 10s. unit is the one which should be recommended for adoption, retaining the existing shilling at an unchanged value, and although the New Zealand Government has said that it hopes to introduce decimal coinage during the life of its present Parliament, it will not be introduced at present because of the large expenditure (about £4m.) of overseas funds involved.

A Decimal Currency Committee was appointed in Australia and it made its report in August, 1960. The committee's main conclusions and recommendations were as follows :—

(i) it is convinced that adoption of decimal currency in Australia is desirable ;

(ii) it recommends the introduction of the 10s.—cent system as the most appropriate for Australia ;

(iii) it recommends the provision of the following subsidiary coins under a 10s.—cent decimal system :—

| *Decimal coins* | *Present value* |
|---|---|
| 20 cents | 2s. |
| 10 cents | 1s. |
| 5 cents | 6d. |
| 1 cent | 1·2d. |

(iv) it recommends that the official date for the introduction of the new system be the second Monday in February, 1963 ;

(v) it recommends that priority in machine conversion should be accorded to bank machines, but sees no need for any other priorities in this regard.

It is evident that the Government of Australia intends to proceed with caution and it is known that it is giving the matter further consideration, especially in relation to the minting of coinage and the question of additional minting capacity. On 27th April, 1961, the Rt. Hon. Harold Holt, M.P., Treasurer of the Commonwealth of Australia, assured the House of Representatives that there " will be no delay beyond what the Government regards as unavoidable," and it is interesting to note that the Australian Decimal Currency Committee estimated that the change would cost approximately £30m.

### Metric system in India

It is generally thought that the adoption of a system of decimal coinage is the precursor to a change to a system of metric weights and measures and in India, where stones and pieces of wood are often used as weights and earthen vessels of odd shapes serve as measures of capacity, the first step has been taken towards the introduction of this later reform. The Standards of Weights and Measures Act, 1956, provides, *inter alia*, that the primary unit of length shall be a metre and the primary unit of mass a kilogram and this Act comes into force on such date, not being later than ten years from the date on which it was passed, as the Central Government may appoint. Different dates may be appointed for different provisions of the Act or for different areas or for different classes of undertakings or goods and on 1st October, 1958, metric weights and measures were introduced in the Government service, in major industries and in selected areas. The Act is in force in several other areas and States for specified classes of undertakings and goods.

### Position of the United Kingdom

How far has the United Kingdom advanced towards the adoption of a system of decimal coinage and a metric system of weights and measures ? Fresh and much-needed impetus was given by the appearance in 1960 of a joint report of committees appointed by the British Association for the Advancement of Science and the Association of British Chambers of Commerce (Butterworths Scientific Publications, 7s. 6d.). The committees found that there is wide approval of the concept of decimal coinage, but an " overwhelming wish " to retain the £ as the major unit. They thought that the transitional costs consequent upon decimalisation of the coinage would be heavy (it was estimated that the machine conversion/replacement costs alone would amount to £128m.)

# This Concerns You

The National Anti-Vivisection Society is working to bring about the prohibition by law of all scientific experiments (now totalling well over three-and-a-half million annually) on living animals calculated to cause pain, but we need help in our campaign against the growing evil of vivisection.

Ostensibly to benefit mankind this inhuman work frequently duplicates that carried out in previous years, but still this suffering and slaughter continues. With your help vivisection can be abolished without detriment to medical progress. Supported by thousands of people who have voiced concern, the N.A.V.S. is working constantly to bring a halt to all such ghastly experiments. Will you help now?

Donations and bequests are required urgently to promote this important and humane cause. It is in your power to bring the Society's aims to the notice of your clients. Member's annual subscription 10/-, life membership £5, subscription to "The Animals' Defender", the organ of the Society, 3/- per annum post free. For further information as to how you can help, and for free literature, write to :

**The Secretary,**

## The National Anti-Vivisection Society

**(incorporating London and Provincial Anti-Vivisection Society),**

**27 Palace Street, London, S.W.1 VICtoria 4705**

and that such decimalisation should precede any future plan for the adoption of the metric system of weights and measures. The time appeared to have come for a decision to be made in principle on the question of decimal coinage and the committees therefore recommended that "the Government should aim to take an early decision in principle for or against the adoption of a decimal coinage. The longer the delay the greater will be the transitional cost if a change is eventually made. Before taking such a decision it would doubtless be necessary to make further enquiries, including a sounding of public opinion. Prior to and during such enquiry efforts should be made to inform the public on the issues involved."

With regard to the metric system of weights and measures, the committees could not recommend its compulsory adoption by the United Kingdom at the present time, although they found a general feeling that the metric system will in the course of time become more widely used in the rest of the world and the United Kingdom. They pointed out that the metric system is already legal and any organisation is free to use it but, in their opinion, the change over on this voluntary basis would continue to be slow unless there was some positive encouragement. However, the committees agreed that there is real advantage to be gained now by "increased rationalisation" of the Imperial system and, on the assumption that there is not a decision to adopt the metric system within the next few years, they recommended "that further study should be given to the problem of rationalisation and decimalisation. Our limited investigation has shown that very real benefits could be obtained from extending this process. This should be done industry by industry with the experts in each sphere. It is a specialist matter for each industry and beyond the competence of the committee as composed at present."

### Advice to the Chancellor

In response to the Government's request for expressions of view, made by the Earl of Dundee in the House of Lords on 10th November, 1960, the Council of the Institute of Chartered Accountants in England and Wales said that a point has now been reached when the eventual disadvantages of non-decimalisation seem likely to exceed by far the temporary costs and inconvenience of adjustment to a new currency. It is wholly inappropriate that a country which regards itself as an international banker and major progressive commercial nation should become the sole surviving exponent of a currency system abandoned by every other commercially advanced nation. In particular, the retention of a non-decimal currency will leave the United Kingdom at an increasing disadvantage in the use, manufacture and export of financial data processing and other monetary machines during an era of rapid development in this field in Europe and throughout the world. The Council of the Institute thought that there is a widespread feeling that decimalisation of the currency is inevitable eventually and that the longer it is deferred the greater will be the cost and dislocation. The time has therefore come for a positive move in the direction of reform.

In the view of the Council of the Institute, this "positive move" should take the form of the adoption of the "ten shilling/cent" system with one hundred cents equal to the present ten shillings and the halfcent, which would be approximately equivalent to the present halfpenny, as the smallest unit, leaving unaltered the value of all the silver coinage. As the initial cost of conversion to a decimal currency would undoubtedly be heavy, they suggest that the Government may consider that it would be appropriate to offer compensation on a suitable scale to those affected, either by means of direct grant or, alternatively, by increased taxation allowances, including investment allowances on purchases of new equipment (including replacement) and the allowance for taxation purposes of costs of conversion of machinery, over-printing and other expenditure consequent upon the change.

### The Government's view

The Federation of British Industries and the National Union of Manufacturers have also told the Chancellor of the Exchequer that they favour the conversion of the United Kingdom coinage to a decimal basis, but as yet there is little indication as to the Government's attitude towards these proposals. Commenting on the joint report of the committees appointed by the British Association for the Advancement of Science and the Association of British Chambers of Commerce, Mr. Heathcoat Amory (as he then was) said that there "is clearly force in the report's recommendations that an early decision in principle is desirable, if only because delay will add to the expense if a change is made." However, he added that it was necessary to discover more precisely what the country thinks, since "the convenience of the community is the main consideration involved." It would seem that the Government is now better informed as to public opinion on this matter because, on 14th November, the Chancellor of the Exchequer said that he hopes to announce later this year its decision on whether or not decimal coinage should be adopted. Indeed, the Government may find itself forced into making an early decision because rumour has it that a Private Member's Bill may be introduced empowering the Government to adopt a decimal system of coinage.

### Conclusion

It is, of course, impossible to say what the Government's decision will be, although the evidence is strongly in favour of the adoption of a decimal system based on the ten shilling/cent. If the decimal system of coinage is adopted, the more involved and therefore more expensive change to a metric system of weights and measures may follow in course of time. The initial cost of adoption of a decimal system of coinage would be considerable, but delay increases that cost and the possibility of entry into the Common Market makes the matter one of even greater importance. In spite of our traditional conservatism, on this occasion it is difficult to believe that the United Kingdom will decide to stand alone.

D. G. C.

---

## LONDON GOVERNMENT

"London Government—Government Proposals for Reorganisation" (Cmnd. 1562, H.M. Stationery Office, 1s.), accepting the main recommendations made by the Royal Commission on Local Government in Greater London, proposes, *inter alia*, the merging of the present borough and urban districts into new London boroughs, the establishment of a directly-elected Greater London Council, the abolition of the administrative counties of London and Middlesex and the loss to the counties of Essex, Herts, Kent and Surrey of the metropolitan parts of their areas.

**Country Practice**

# BROTHER, CAN YOU SPARE THE TIME?

If Mr. Richards and his wife had been the kind of people who keep coals in their bath, this article would never have been written. But they were a respectable old couple with a home of their own. Mr. Richards, if you must know, looks after an elderly council lorry. I do not know how these matters are arranged, but at any rate in our part of the country the council's lorries are handed over to careful middle-aged drivers, and lorries and drivers grow old together. Mr. Richards' lorry, with ordinary treatment, would have been scrapped years ago; but it continues to potter quietly around the country roads, spick and span, and blissfully unaware that the 20 m.p.h. speed limit was abolished years ago.

The Richards sought advice on a difficult legal problem, and I knew that I had to help them all the way. It concerned the coalshed, which was let to them for a shilling a month. Thirty years before, they made use of what auctioneers delicately describe as "the usual outoffices"—an ancient building in an open yard to the rear of their little cottage. Under the dilapidated roof were to be found the privy, the ashpit, a place for the sticks, and a corner for the coals. Then one stormy night part of the roof fell in.

Matters might have been worse. Mrs. Richards, who had been agitating for better amenities for some time, had one of the cottage bedrooms converted into a bathroom, with every modern convenience. As for the coals, the local landowner allowed them to have a stone-built shed at the opposite side of the road for a shilling a month. This arrangement lasted roughly from the era of Macdonald to that of Macmillan, and nobody paid much attention to what happened to the derelict privy.

The turning point of the drama occurred when the local estate was bought up by Municipal Centre Surplus Developments, Ltd. They wished to build a housing estate in the field opposite the Richards' cottage, and gave notice requiring possession of the coalshed. Mr. Richards ruefully decided that he had better renovate the ancient privy—only to find that Municipal Centre Surplus Developments claimed that, too. At this point, I was consulted.

True enough, the company were able to produce a conveyance clearly showing, by reference to a plan, that the old privy had been sold to them. In fact, they had bought up everything except the isolated freehold cottage belonging to Mr. and Mrs. Richards.

My correspondence file soon began to swell ominously. It was shown that neighbouring tenants had used the old building for a bicycle shed, for storing garden implements, and even for raising a piglet won at a Conservative garden fete. The Richards, on the other hand, had restricted their own acts of ownership to whitewashing one wall on one occasion, and to turning out a courting couple on another. The legal situation was bifurcated, to put it mildly. The twofold argument amounted to this—as to the old privy, the Richards claimed continuous ownership; but if (which was not for one moment admitted) they had lost their title by adverse possession, then it was clearly inequitable, and a monstrous fiddle, that the company should turn them out of the coalshed across the road. Was the grant of a coalshed in fact a dedication, in fee, in exchange for the privy? The shilling a month on the face of it seemed an awkward factor, but—you never know your luck with county court judges when a conveyancing point is to be decided—might conceivably be a fee farm rent.

For some reason, the solicitor acting for the company did not seem to be impressed with this argument. Then the local county court judge retired, and my impression of his successor was that he might not appreciate the subtleties of the argument. It was really a point for several days' quiet chat in the House of Lords, and the new county court judge, I feared, had not matured sufficiently. I therefore fell back on proving continued ownership of the privy.

Just as I was mustering my facts and arguments, the company's solicitor threw me off balance by writing to say that, in any case, the privy never had belonged to my clients. The cheek! He even referred to statements made by various witnesses to the effect that the old privy was for the joint and several use of tenants sharing the same yard. I was tempted to point out that a privy cannot be used jointly; but fortunately, before writing in reply, I decided to inspect the old building in person. Alas, it could have been used jointly; it resembled my argument, in having more than one hole in it.

By now, Mrs. Richards' nerves were beginning to give way, but Mr. Richards' attitude (in Anglo-Saxon, of course) was *fiat justitia*. He also brought along his deeds, and pointed out that the earliest deed referred to the outbuildings. This comforted him; but as it also referred to hedges, ditches, ways, waters and watercourses, it did not comfort me. However, it was at least a starting point—an Indenture of Conveyance from one Ephraim Bugg, to whom the site had been awarded by the Auburn Enclosure Award of 1781. All that remained to be done, therefore, was to turn up the enclosure map to find out the extent of the Richards' property.

Reader, have you ever turned up an enclosure map? Reader, don't. Or at least, don't make it an obsession.

First, the county archivist. He lives in that part of the county hall which used to be given over to coke in the days before they switched to oil for central heating. He, and his one assistant, can only be found by turning over mounds of mouldering documents in which they are permanently submerged. An inquiry for an enclosure award and map meets with a wintry smile, some helpful suggestions, and a muffled crash as the archivist drops out of sight.

A visit to the vicar produced a tithe map on too small a scale to be of any use. However, he passed me on to George Donkin, a very old man, who was said to know everything worth knowing about everyone and everything. After two hours, in which I picked up some priceless antique anecdotes which I must tell you some other time, it was clear that George Donkin was not much help.

This is where I should have given up. But I had to go to London on other business, and decided to call and see the Public Record Office. I therefore found myself explaining my difficulty to a kindly official in Chancery Lane. He said he would consult his index. There I was, with nothing to do but wait, in a long room with rectangular tables at which sat, silent but busy, dozens of searchers. I knew they were searchers by their expression; each with a volume, or a bundle of old papers, spectacles aquiver as the eager eyes searched for indisputable proof that . . . Here the kindly official broke in upon the scene with the news that he did not

"... and I'll leave
the residue to
a worthwhile cause."

# HAIG'S FUND

We would like to remind you that upon the regular replenishment of Haig's Fund depends the existence of the largest welfare organisation in the world—the British Legion. The Legion's responsibilities towards the ex-service community have steadily increased over the years and today commitments are heavier than ever before.

More money is most urgently needed to carry on such vital work as the Legion's Rehabilitation Scheme for disabled ex-servicemen, the maintenance of Country Homes, provision for war orphans, pensions and grants for ex-service people in distress.

Please bring to your clients' notice the extreme importance of legacies and bequests in favour of British Legion Haig's Fund.

**BRITISH LEGION HAIG'S FUND**

*(Registered under the War Charities Act, 1940)*

PALL MALL, LONDON, S.W.1

Telephone: WHitehall 8131

# Must SSAFA stop helping this elderly couple?

AT FIRST SIGHT, there doesn't seem much to tell about the Macmillans. Joe and Ellen are both in their sixties. They live in one of the grimier suburbs of London. Both served their country in the first world war, he in the Royal Navy, she in the Wrens. They were married shortly afterwards and lived uneventfully but happily for the next forty years in a little red-brick house near where they both had been born.

For nearly all of their lives the Macmillans did not seem an exceptional couple. Joe had the same job, as a factory worker, all his life. In forty years they did not stir far.

It has only been in the last few years of their life together that the one extraordinary thing about the Macmillans—their courage—has really revealed itself.

As a young man Mr. Macmillan had had an injury affecting his arm and shoulder. Over the years it had gradually got worse. Then, finally, he found he could not do his work at the factory.

There wasn't much money for the Macmillans. Just the National Assistance sickness benefit, and a retirement pension. £7.10.0 in all. But their wants were modest, and many old-age pensioners make do with less. The Macmillans struggled on.

Then came the second blow. Mrs. Macmillan went to hospital. Just a check up, nothing to worry about. Afterwards they broke it gently to Mr. Macmillan. 'Your wife has a cancer which is quite inoperable. We are short of beds at the cancer hospital, but in any case there's nothing we could do for her. Just look after her as well as you can at home. She'll be entirely bedridden, we're afraid.'

So the Macmillans went back to the little red-brick house in their grimy suburb. Miraculously, although very much of an invalid himself, Mr. Macmillan managed to cope, devoting all his time and energy to the care of his wife. He did all the shopping, cooking, and house cleaning, besides doing a 24-hour shift as a nurse to his wife. He scrubbed the floors, polished the lino, and all the metal-work shone as if he were still aboard the battleship on which he served in the first world war.

SSAFA's local voluntary worker first heard about the Macmillans in the autumn. As Mrs. Macmillan was permanently bed-ridden, the heating and coal bills and the extra bedclothes, and sheets needed were too much for the Macmillans' slender budget. SSAFA made a grant, and we applied successfully on the Macmillans' behalf for a grant from the Royal Naval Benevolent Trust. The Macmillans were tided over the winter. Mr. Macmillan wrote to say how grateful he was.

SSAFA's local secretary kept in touch. In the spring, SSAFA helped with another grant for essential invalid needs.

If there is any further need—as there may well be—SSAFA will be ready to help the Macmillans with money, with clothing, with advice in the grim, unequal fight which they have already fought so bravely. But there are many other cases—some even worse than that of the Macmillans. Every year SSAFA helps 80,000 families, help which costs £130,000—none of which goes in unnecessary staff expenses, since our 12,000 voluntary workers throughout the world give their time free. If SSAFA does not find this bare minimum of money, each year, every year, then it must refuse to help. There is no alternative.

Can you help us by telling your clients about our work when they are drawing up their wills? Any contribution will be very, very gratefully received.

*This is an actual case from SSAFA's files. In order to maintain the strict confidence in which SSAFA works, the names are changed, and the drawing is not a likeness.*

**SSAFA** 23 QUEEN ANNE'S GATE LONDON, S.W.1

**Soldiers', Sailors' & Airmen's Families Association**

*Tell your clients about this when they consult you about legacies*

**PLEASE REMEMBER SSAFA**

# OVER ONE HUNDRED YEARS OF SERVICE TO THE BLIND

We cannot give the Blind sight but we can and do help them in so many ways.

Our Benevolent and Pension Fund is bringing comfort to a large number of elderly blind persons in England and Wales.

We also have Homes and Hostels, Workshops and Welfare Services to maintain.

**LEGACIES AND DONATIONS WILL BE GRATEFULLY RECEIVED AND WISELY APPLIED**

*Annual Report gladly sent on requ*

**LONDON ASSOCIATION FOR THE BLIND**

*(Founded 1857)*

Pelican House, Dept. 31, 88/92 Peckham Road, London S.E.15.

(Registered in accordance with the National Assistance Act, 1948)

---

**THE CLIENT WHO LOVES ANIMALS AND HATES CRUELTY**

**may need your help in drawing up a Will**

**You can give no better guidance than to suggest a legacy to the**

# NATIONAL SOCIETY FOR THE ABOLITION OF CRUEL SPORTS

**Much of its work is done by publishing free pamphlets, and the Secretary will be glad to send you some of these**

**It was the first animal welfare society to promote a Parliamentary Bill for the protection of wild animals**

**NATIONAL SOCIETY FOR ABOLITION OF CRUEL SPORTS**

**7 Lloyd Square, London, W.C.1.**

---

During the nineteen-sixties,

**CHARITABLE GIFTS and LEGACIES**

can be given to no better, nor more urgent, object than

**THE REDUCTION OF PRESENT**

## WORLD-WIDE HUNGER, MALNUTRITION and POVERTY

One agency specialising in this work is the

# FUND for HUMAN NEED

*Supporters include :*

MR. AMBROSE APPELBE, M.A., LL.B.
THE BISHOP OF BUCKINGHAM
PROF. CHARLES A. COULSON, M.A., D.Sc., F.R.S., F.R.S.E.
DR. T. FRANK DAVEY, C.B.E., M.D., M.Sc.
SIR FRANK MEDLICOTT, C.B.E.
REV. DONALD O. SOPER, M.A., PH.D.
MR. T. GEORGE THOMAS, M.P.

*Gifts and Enquiries to the Honorary Secretary :*

**34 Eatonville Road, London, S.W.17**

appear to have either the award or the map. However, he came out with some more suggestions—to try a rival establishment further up Chancery Lane, to consult the British Museum, or how about the Record Office at the House of Lords?

At the House of Lords, you search by appointment only. On my next visit to London, therefore, I prepared myself for the appointment. In quite a short time, unaccompanied and looking for all the world like a backwoodsman peer, I found my way to the Record Office in Victoria Tower. Soon I was browsing into the Auburn Enclosure Act, 1779. The award, I learnt, was to be deposited with the county justices sitting in quarter session. As for the map, it was enacted that the Enclosure Commissioner need not prepare a map if satisfied that the map produced to their lordships during the committee stage of the Auburn Enclosure Bill was sufficient for his purposes. I was just about to ask for the production of the committee proceedings when it was turning-out time, and I had to catch the next train home.

Before fixing a further appointment at the House of Lords, I happened to meet Mr. Richards in the market place. "I was going to see you one of these days, sir," he said. "My wife has had about enough of this legal trouble, so we have agreed to buy a nice little bungalow on the new estate. We have already found a purchaser for the cottage."

"But however will the purchaser manage?" I asked. "No coalshed; no outbuildings; no chance of storing fuel anywhere except in the bath . . ."

Mr. Richards smiled at me benevolently. "Electricity," he said. "It's the best thing out. No need for any messing about with coal and logs. We should have thought of it years ago."

So we should.

"HIGHFIELD."

# REGISTRATION OF CHARITIES

IN a question in the Commons on 9th November, Sir Hugh Linstead, the former Parliamentary Charity Commissioner, asked the Home Secretary what orders he had made, or intended to make, applying s. 4 of the Charities Act, 1960, which provides for the establishment of a register of charities, to charities existing before 1st January, 1961. In his reply the Home Secretary said that he and the Minister of Education had made two orders under the Act affecting local charities in Southern England and that it was intended to apply s. 4 to other charities in stages so that by the spring of 1963 all charities in England and Wales would have been required to register.

The establishment and maintenance of a central register of charities is one of the new functions which the Charities Act, 1960, imposed on the Charity Commissioners and the Minister of Education to ensure that all charitable endowment is properly recorded and to assist in charity playing its full part in the modern State. In the past too little information about charities and the purposes they serve has been accessible; and one of the objects of compiling the register is to provide a comprehensive public record which will readily produce statements about all but trivial and transient charities. The absence of such information has meant that the fullest use may not always have been made of charitable resources; and, in view of the important part which charity has to play in modern society in complementing the statutory welfare services, the register should encourage and facilitate arrangements which the Charities Act empowers local authorities, charity trustees and welfare services to make for ensuring the best use of charitable resources in the interests of beneficiaries.

### Indexes of charities

There will be a classified index to the central register so that inquirers can look up charities under their purposes, their titles or the areas they benefit. The Act empowers local authorities to maintain indexes of the charities established wholly or mainly for the benefit of their locality. This will be built up of duplicate copies of entries in the central register. Information will be included about local branches of national charities, even though they are not constituted as separate charities.

The register with its indexes will have other advantages which are likely to be appreciated by solicitors. When a testator wants to make a bequest to local charity, but does not know which charity, the local index can be consulted to provide an answer. The old problem of whether an institution is legally a charity will be simplified by registration, because s. 5 (1) of the Charities Act provides that an institution shall be conclusively presumed to be a charity as long as it is on the register. But registration does not carry any implication that the Commissioners have given approval to the objects of the charity or are satisfied that it is well managed.

With few exceptions (mentioned below) registration is compulsory. Charities established after 1st January, 1961, have to register as soon as they take effect; but registration is being applied to older-established charities and is being undertaken in stages by means of orders made under the Act. The first order, made by the Home Secretary and the Minister of Education on 18th May (the Charities (Registration) (Commencement No. 1) Order, 1961 (S.I. 1961 No. 987)), applied to all charities whose work is carried on for the benefit wholly or mainly of any part of Bedfordshire or Surrey. This was an experimental registration to test the machinery. The results show that the machinery works smoothly and does not throw a burden on charity trustees. Despite wide local publicity, however, the response has been disappointingly slow. Barely 25 per cent. of the estimated number of charities in the two counties have so far applied for registration. The main difficulty facing the Charity Commissioners is that of communicating to trustees their duty to register. The fact that a charity may already be known to the Commissioners does not relieve it of its obligation to register.

### Particulars required for registration

Registration is a simple, once for all, operation which will not involve trustees or persons acting for charities in a lot of work. The particulars they will have to supply include (*a*) name of charity; (*b*) beneficial area; (*c*) objects; (*d*) approximate annual income; (*e*) name and address of secretary or correspondent; and (*f*) land or premises occupied for the purposes of the charity. The Charities Act also requires trustees to supply a copy of the trust deed or other

instrument governing the charity, unless the Commissioners already have one. The second order, made on 26th September (the Charities (Registration) (Commencement No. 2) Order, 1961 (S.I. 1961 No. 1867)), extends registration to the following counties and their associated county boroughs :—

| | | |
|---|---|---|
| Berkshire | Gloucestershire | Oxfordshire |
| Buckinghamshire | Hampshire | Soke of Peterborough |
| Cambridge | Huntingdonshire | Somerset |
| Cornwall | Isle of Ely | Wiltshire |
| Devon | Isle of Wight | Worcestershire. |
| Dorset | Northamptonshire | |

It fixes 22nd December, 1961, as the date on which s. 4 of the Charities Act will apply to all charities whose work is carried on wholly or mainly for any part of these counties. Trustees or persons having the management of such charities should apply now to the Secretary, Charity Commission, 14 Ryder Street, London, S.W.1 : but the trustees of an educational charity or some other charity (such as a recreation ground) which they know to be the concern of the Minister of Education should wait to hear from the Ministry. If the trustees are in doubt whether their charity is the concern of the Ministry or of the Commission they may write to either and their inquiry will be dealt with by the appropriate one.

### Excepted charities

Certain classes of charities are excepted from registration under s. 4 (4) of the Act. These are :—

(*a*) charities which have neither permanent endowment nor income from investments or property of more than £15 per annum, nor the use and occupation of any land ;

(*b*) places of religious worship registered by the Registrar-General under the Places of Worship Registration Act, 1855 ;

(*c*) voluntary schools which have no permanent endowment other than their premises excepted under the Charities (Exception of Voluntary Schools from Registration) Regulations, 1960 (S.I. 1960 No. 2366) ;

(*d*) charities comprising funds not being permanent endowments which are being accumulated for local units of the Boy Scouts Association and the Girl Guides Association : these are already excepted by the Charities (Exception of Certain Charities for Boy Scouts and Girl Guides from Registration) Regulations, 1961 (S.I. 1961 No. 1044) ;

(*e*) exempt charities comprised in Sched. II to the Act.

Charities for the advancement of religion are excepted from registration until 1963 by the Charities (Exception of Religious Charities from Registration) Regulations, 1961 (S.I. 1961 No. 986), and the Charity Commissioners are discussing with religious denominations the question of permanent exceptions for such charities. The excepting regulations do not apply to denominational charities for secular purposes, e.g., moral welfare societies' funds, charities for social welfare or recreation, educational buildings or funds, and funds for the poor of any church or congregation.

### Voluntary registration

Even though a charity is not under a duty to register, the trustees may, if they wish, apply for it to be entered in the register voluntarily so that information about the benefits may be available to the public.

### Extending registration

As indicated in the Home Secretary's statement of 9th November, it is intended to extend registration to the rest of England and Wales by stages. The next stage, which will be in the spring of 1962, will apply to the counties of Norfolk, Suffolk and Sussex and the administrative counties of Essex, Hertford, Middlesex, Kent, London and the City of London, as well as to charities having a general or national application as distinct from those whose work is carried on for the benefit of a particular locality.

The third stage, in the autumn of 1962, will include Wales and Monmouthshire and the counties of Cheshire, Derby, Herefordshire, Leicestershire, Lincoln, Nottingham, Rutlandshire, Shropshire, Stafford and Warwickshire, and the fourth and last stage in the spring of 1963 will cover Lancashire and Yorkshire and the North of England.

W. E. A. L.

## VALETE SECTION EIGHT

In our charity appeals number every year since 1956 we have reviewed the cases of the year concerning the rating of charities. All these cases arose out of provisions of the Rating and Valuation (Miscellaneous Provisions) Act, 1955. Some were brought under s. 7, which gives relief from rates for places of religious worship, and a few stemmed from s. 9 (1), concerned with certain exempt structures. By far the majority, however, were caused by disputes as to the construction of s. 8 of the 1955 Act, which section authorised partial rating relief in respect of hereditaments occupied for the purposes of an organisation which is not established or conducted for profit, and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare. Soon, s. 8 will be no more, for under the Rating and Valuation Act, 1961, the whole of it is repealed as from the coming into operation of the next new valuation lists, due to come into force in 1963 (s. 12 (2) (*a*) of, and Sched. V (Pt. I) to, the 1961 Act). As was explained in an article on the 1961 Act in these columns at p. 774, the arrangements made under s. 8 are to be replaced by other reliefs provided by ss. 11 and 12 of the 1961 Act. Hereditaments occupied by charities and used wholly or mainly for charitable purposes, and almshouses, must be granted relief of one-half of the rates otherwise due (s. 11 (1)). Certain charities are specifically excluded from this mandatory relief (Sched. I to the 1961 Act, which names various universities and colleges). A rating authority may reduce or remit the payment of rates chargeable in respect of hereditaments entitled to mandatory relief, or any other hereditament occupied by an institution or organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts ; or any other hereditament which is occupied for the purposes of a club, society or other organisation not established or conducted for profit and is wholly or mainly used for purposes of recreation (s. 11 (4)). This group is much wider than that eligible for relief under s. 8 of the 1955 Act and replaces provisions in other statutes granting relief to societies instituted for the purposes of science, literature or

# MENTAL HEALTH NATIONAL APPEAL

Chairman: The Right Hon. the Viscount Monckton of Brenchley
P.C., K.C.M.G., K.C.V.O., M.C., Q.C.

*Enquiries from solicitors and others called upon to advise on charitable bequests or donations are welcomed; please write to:—*

**Do you know that:**

**One member of every fifth family must some time face a disabling mental illness?**

**One child in ten will sooner or later need treatment for mental disorder?**

**Four out of ten hospital beds are occupied by patients with mental disorders?**

Mr. R. A. Butler, the Home Secretary, has called mental disorder the largest single, medical and social problem in Britain today.

PLEASE help the MENTAL HEALTH NATIONAL APPEAL for the work of the NATIONAL ASSOCIATION FOR MENTAL HEALTH and the MENTAL HEALTH RESEARCH FUND! These two voluntary organisations support and supplement the work of the National Health Service by providing training, residential and advisory facilities, and by financing research into all types of mental illness and handicap.

**MENTAL HEALTH NATIONAL APPEAL ORGANISER**

**8 WIMPOLE STREET, LONDON, W.1**

---

# Your help is needed

## *for those who cannot help themselves*

- **The long-term sick and infirm; with no one to care for them.**
- **The frail and aged, who with financial help could be cared for in their own homes.**
- **The middle-aged, who through illness or misfortune are gravely financially distressed.**

**Each year, the D.G.A.A., which was founded in 1897, helps an ever increasing number of men and women living in their own homes. Last year 2,500 were helped, all people, who through no fault of their own, were in a grave state of financial difficulty and distress.**

**The long-term sick and infirm, with no one to care for them.**
There are many long-term sick and infirm of various age groups who unfortunately are not blessed with loving relatives who can care for them. For these the D.G.A.A. has already established five nursing and two residential homes. The homes are purposely small in order to provide maximum personal attention together with carefully selected modern aids for every partially disabled patient. Many more homes are needed especially for the frail and aged, but these can be founded only when the necessary funds are available. To carry out present commitments over £200,000 per annum is required.

**The frail and aged, who can still be cared for in their own homes.**
The provision of desperately needed monetary grants, some of a permanent nature, also the supply of invalid foods and adequate heating for old people with seriously impaired health and rapidly dwindling means necessitates expenditure in the region of £100,000 every year, and this is made possible only by the public response to our special appeals. In many instances the help given in this way enables frail aged gentlefolk to remain among their relatives and friends for the remainder of their days.

**The middle-aged.**
Under this heading are to be found thousands of men and women in desperate need, to whom help and encouragement is given in what must be the darkest period of their lives—women with young families deprived of their husband's financial support through sudden illness or death. For these, maintenance grants are provided to help keep the home together, or in the case of death to make it possible for the widow to train for a career to provide a secure future for herself and her children.
Some of the patients in the Association's homes, although only in their early forties, are suffering from incurable illnesses and are in need of constant skilled nursing care which is quite unobtainable in their own homes. Their very limited incomes make the fees of a private nursing home quite beyond them.

***Please help – Legacies, Subscriptions and Donations are urgently needed.***

With her kind permission we show a patient who although bedridden for seven years always remains cheerful. Television is a great comfort to the bedridden. We hope to be able to make this possible for many more patients.

## Distressed Gentlefolk's Aid Association

*Patron: Her Majesty Queen Elizabeth, The Queen Mother.*

**The General Secretary, Vicarage Gate House, London, W.8.**

**over £300,000 is needed every year**

---

# DISABLED

## . . . but undefeated

Paralysis! The very word once held unmentionable terror. But not today. Thousands who are paralysed through accident, illness, the war, are nevertheless playing their fullest possible part in everyday life, helping themselves and the community to which they belong. The National Association for the Paralysed exists to help these gallant people achieve this independence by giving them the guidance they need and by watching over their interests. You can share in this work . . .

**A GIFT TO THE ASSOCIATION**
**IS A GIFT TO THE UNDEFEATED**

As a recognised Charity, N.A.P. is entitled to recover Income Tax on annual contributions if they are promised under Deed of Covenant for a period of not less than 7 years.
**Legacies will be warmly welcomed and wisely employed.**

**THE NATIONAL ASSOCIATION FOR THE PARALYSED**
**1 York Street, Baker Street, London, W.1.**
*(Registered as a Charity in accordance with the National Assistance Act, 1948)*

---

## SEARCHLIGHT CRIPPLES' WORKSHOPS

**NEWHAVEN**
**SUSSEX**

Where badly crippled men learn to overcome their handicaps, and become useful citizens. Experts at chair-caning, basketry, rug-making, etc.

*DONATIONS URGENTLY NEEDED*

---

# FAMILY WELFARE ASSOCIATION

OFFERS A UNIQUE SERVICE TO

**SOLICITORS—TRUSTEES**

AND OTHER OFFICIAL AND PRIVATE PERSONS INTERESTED IN THE MAKING AND EXECUTION OF

**LEGACIES AND CHARITABLE BEQUESTS**

- ★ Free advice as to the status and financial position of charitable Organisations.
- ★ Information regarding Charities affected, and not affected, by Act of Parliament.
- ★ Help and advice as to the needs of Charities for those making gifts or bequests.

FOR 92 YEARS THIS HAS BEEN PART OF THE SERVICE PROVIDED BY THE ASSOCIATION

**FAMILY WELFARE ASSOCIATION**
**296 VAUXHALL BRIDGE ROAD**
**LONDON, S.W.1**
VICTORIA 7334

---

# MISS SHEPPARD'S ANNUITANTS' HOMES

*(Founded* 1855)

**For Elderly Gentlewomen of Limited Means**

The aim of the Homes is to enable their residents to maintain the independence which they value so much and at the same time give them the security of knowing that help is available when it is needed. The atmosphere, is one of a private house, and each lady has an unfurnished room, rent free, to which she can bring her own belongings.

In present day conditions more and more old ladies are worried about their future and the lack of a secure home. We rely entirely on voluntary support and are administered under a Charity Commission Scheme. May we ask you to bring this work to the notice of clients who may wish to help elderly gentlewomen in their Wills?

*Further details can be obtained from the Chairman:*

Lieut.-General Sir Ian Jacob, G.B.E., C.B.,
12 Lansdowne Walk, London, W.11

the fine arts; Sunday and ragged schools; and voluntary schools.

In order to keep the record up to date, we now set out particulars of the cases decided or reported earlier this year. There are three under s. 8, and one under s. 7, of the 1955 Act.

**Section 8 cases**

*Approved school*

The only Court of Appeal case was that of *National Children's Home and Orphanage Registered (Trustees)* v. *Penarth Urban District Council* [1961] R.V.R. 104, which came before the court (Lord Evershed, M.R., Upjohn and Pearson, L.JJ.) from 18th to 20th January, 1961, on an appeal from a decision of Cross, J., which we noticed in our last year's article (104 SOL. J. 1006). This case concerned the ownership and occupation by the trustees of the National Children's Home and Orphanage, Registered, of an approved school. This registered charity was one incorporated by a certificate of the Charity Commissioners which had as its objects the maintenance of homes for the care, education and training of children deprived of normal home life. The approved school in question was of a special character requiring continued approval of the Home Secretary and compliance with the requirements of the Children and Young Persons Act, 1933, and certain statutory rules made under that Act. The approved school was carried on by managers appointed by the general committee of the home, and these included the general treasurer, executive and six other members of the general committee. They could deal with important matters only when an executive officer was present and had to observe the provisions of the current Approved School Rules. The Scheme which the ratepayers propounded for the Home Secretary's approval, for the management of approved schools undertaken by the ratepayers, referred to the schools "administered by the home" and "coming under its management," i.e., of the general committee.

The crux of the case of the rating authority, appealing against the granting of partial relief from rates by Cross, J., was that the managers of the approved school constituted an organisation distinct from the ratepayers and had purposes of their own also distinct from those of the ratepayers. The rating authority, however, conceded, quite properly according to Lord Evershed, not only that the ratepayers were a charity within the meaning of the term in English law, but also that what had been done by the ratepayers in respect of the hereditament in question, including its rateable occupation by the ratepayers, fell within the scope of the objects of the charity. The Master of the Rolls added that ultimately this concession was decisive of the case. He was unable to accept the argument that the managers were a distinct organisation with their own purposes, which he assumed to be the conduct of approved schools in accordance with the statutory provisions and rules. Such a view seemed to him "a wholly unreal and unacceptable conception." In his judgment, with which the other lords justices concurred, the managers were nominees of the ratepayers appointed to conduct the approved school on their behalf and subject to the Home Secretary's approval and the relevant statutory provisions.

Accordingly, the approved school was a hereditament entitled to the partial relief from rates, related to the amount of rates paid in 1955–56, granted by s. 8 (2) of the 1955 Act, since it was occupied for the purposes of the home which was an organisation within s. 8 (1) (*a*) thereof, not being "established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare."

*University-occupied dwelling-houses*

Another case decided under s. 8 (1) (*a*) of the 1955 Act was *University College of North Staffordshire* v. *Newcastle-under-Lyme Rural District Council* [1961] R.V.R. 277; p. 366, *ante*. This came before the Queen's Bench divisional court (Lord Parker, C.J., Finnemore and Salmon, JJ.) on 13th April, 1961, as a case stated by Staffordshire Quarter Sessions on an appeal by the rating authority against a decision of quarter sessions given on 5th January, 1960.

The respondent ratepayer university was an organisation not established or conducted for profit whose main objects were conceded to be concerned with the advancement of education. In fact the partial rating relief available under s. 8 (2) of the 1955 Act was granted in respect of all the university buildings, apparently within a fence forming one single estate, except certain premises which were occupied by the teaching staff and the administrative staff. The two such hereditaments which were taken as a test case in the proceedings here described consisted, first, of a house and small private garden occupied by a teacher of chemistry employed by the university and, secondly, of a house, garage and premises being a lodge at the entrance of the estate some half a mile from the main buildings and used by the head porter employed by the university.

The objects of the university were stated to be "to advance learning and human knowledge and to provide such instruction as may enable students to obtain the advantages of university education." A passage in the university's prospectus read: "To make it easier to obtain full value from university life and work the college is organised on a residential basis for both students and staff. The students' residential halls and the houses built for the staff are all on the college estate." It was in pursuance of the university's objects that the chemistry teacher was not merely allowed, but required, to reside in his house as a condition of his appointment. The teacher, whose family resided there with him, suffered a deduction from his salary in respect of the benefit he derived from his occupation. The porter was required by the university to live in the lodge by reason of his duties, because the lodge had to be continuously manned, and his family lived there also.

The sole question for the court was whether the two premises were occupied for the purpose of the university. As the university was the rateable occupier the question was further narrowed to whether it occupied the premises for the purposes of the university. The Lord Chief Justice found that they were occupied respectively by the teacher and the head porter pursuant to the objects and scheme of the university. Although the teacher used the premises primarily as a family dwelling and little, if any, teaching was done there, and the porter used the lodge as a dwelling-house for himself and his family, nevertheless it was not arguable to say that the two hereditaments were not occupied for the purposes of the university. The other members of the court agreed with Lord Parker that it was abundantly plain that the university, as rateable occupier, was occupying the premises only for the purposes of the university. Nothing in *Royal London Mutual Society, Ltd.* v. *Hendon Borough Council* (1958), 51 R. & I.T. 285 (see 102 SOL. J. 906), or in *Parker* v. *Ealing Borough Council* (see next paragraph, below), both cited by counsel for the rating authority, prevented the making of this finding. Consequently, the chemistry teacher's

house and the porter's lodge were entitled to the partial relief from rates under s. 8 (2) of the 1955 Act since they were occupied for the purposes of the university within the meaning of s. 8 (1), and the rating authority's appeal was dismissed.

*Friendly society's sports field*

The case of *Parker* v. *Ealing Borough Council* [1961] R.V.R. 71; 104 SOL. J. 1078, was heard before Pennycuick, J., in the Chancery Division on an originating summons (as to possible procedures, see 103 SOL. J. 975, opening paragraph), judgment being given on 2nd December, 1960. The case concerned a sports ground of the Liverpool Victoria Friendly Society and came to be decided under s. 8 (1) (*c*) of the 1955 Act, applicable to "any hereditament consisting of a playing field (that is to say, land used mainly or exclusively for the purposes of open-air games or of open-air athletic sports) occupied for the purposes of a club, society or other organisation which is not established or conducted for profit and does not (except on special occasions) make any charge for the admission of spectators to the playing field . . ."

In return for the payment of certain annual sums the Liverpool Victoria Friendly Society granted licences to three bodies for the use of a sports ground with a pavilion and other appurtenances, which it owned and occupied in the borough of Ealing. The licensees were the Liverpool Victoria Sports and Social Club, which used the sports ground after 4.30 p.m. on weekdays and all day on Saturday, Sunday and bank holidays; the Middlesex County Council, which was entitled to use the ground during the morning and early afternoon from Monday to Friday every week; and a school which used the ground for one or two hours a week. The society reserved to its groundsman the right to decide whether play was possible owing to the state of the ground. The society undertook to pay all rates in respect of the hereditament. Evidence was given that the combined rents payable by the club and the county council resulted in a substantial loss to the society as the landlords of the ground; the rent payable by the school amounted only to "something like £11 and £13 a term" (per Pennycuick, J., at p. 72).

Because of the intermittent nature of the social club's use of the sports ground, Pennycuick, J., held that the hereditament was not occupied for the purposes of the club. It followed that the society was not entitled to the partial relief from rates under s. 8 (2) of the 1955 Act in respect of the sports ground. Although the point did not help the society, it was also held that a hereditament could be occupied, meaning rateably occupied, for the purposes of an organisation other than the occupier under s. 8 (1) (*c*), reference being made in the judgment to *Royal London Mutual Insurance Society, Ltd.* v. *Hendon Borough Council, supra.*

**Decision under s. 7**

In *Godstone Rural District Council* v. *Henning* (*Valuation Officer*) *and Church of Jesus Christ of Latter-Day Saints; Henning* (*Valuation Officer*) v. *Church of Jesus Christ of Latter-Day Saints* [1961] R.V.R. 215, the question arose whether a Mormon chapel and temple qualified for exemption from rating under s. 7 of the 1955 Act. (This section provides for relief from rates for places of religious worship.) The case came before the Lands Tribunal (J. P. C. Done, Esq.) on 16th January, 1961.

The circumstances giving rise to this case were that the Mormon Church had acquired in 1953 a dwelling-house, cottages and outbuildings situated in the parishes of Horne and Felbridge, Surrey, and had converted the house for use as a residence for the president of their London temple and as a hostel for visiting Mormons. Three separate chapels certified for public worship were also provided. All the buildings and parts of the ground were in Horne parish and assessed in the valuation list. The rest of the grounds were in Felbridge parish and not entered in the valuation list. In 1958 a temple, which could only be used by "Mormons of standing," was completed on the part of the grounds in Felbridge parish. The construction of the temple had made necessary minor structural alterations to the existing buildings. The valuation officer then made proposals to alter the valuation list, dealing with the property as one hereditament apportioned between the two parishes. As regards Horne, the existing entry was to be replaced by a new one on the ground of structural alterations. In respect of Felbridge there was to be a new entry on the ground of the building of the temple. The ratepayers objected to the proposals and claimed exemption under s. 7 of the 1955 Act. Such exemption was granted by a local valuation court of the Southern Surrey Local Valuation Panel.

Upon appeal, the exemption was upheld by the Lands Tribunal, which ruled upon three points. First, it held that the cases could be dealt with by a decision on some basis or figures not related to entries formerly appearing in the valuation list or to the terms of the proposal. Secondly, the property was correctly dealt with as one hereditament, all the buildings being essential parts of a single geographical unit with the ratepayers finding it necessary to use them for one purpose. Finally, and vital for the ratepayers, even though the public at large and unqualified members of the Mormon communion could not as of right or by invitation enter the temple, in view of the facts that much use was made thereof by the qualified Mormon public, and that both parts of the hereditament constituted a complete Mormon church, the hereditament as a whole was entitled to exemption under s. 7 (2) of the 1955 Act.

## CHANCERY JUDGES' CHAMBERS

CHRISTMAS VACATION, 1961/62

The following masters and summons clerks will be on duty for vacation business on the following days:—

| 1961 | *Master* | *Summons Clerk* |
|---|---|---|
| Friday, 22nd December<br>Wednesday, 27th December<br>Thursday, 28th December<br>Friday, 29th December | MASTER HEWARD<br>(Room 163) | MR. LOVEDAY<br>(Room 165) |
| 1962 | | |
| Monday, 1st January<br>Tuesday, 2nd January<br>Wednesday, 3rd January<br>Thursday, 4th January | MASTER DINWIDDY<br>(Room 154) | MR. COLE<br>(Room 156) |
| Friday, 5th January<br>Monday, 8th January<br>Tuesday, 9th January<br>Wednesday, 10th January | MASTER FROST<br>(Room 162) | MR. THORNELY<br>(Room 164) |

## INCONVENIENCE TO STOP

Local authorities have been informed in Circular No. 53/61 of the Ministry of Housing and Local Government that the temporary ban on the installation by them of turnstiles in public conveniences has been made permanent. An abortive Bill of last Session has thus borne fruit (cf. Current Topic at p. 636, *ante*).

## THE LAW SOCIETY

The Law Society held a dinner at Grosvenor House on 27th November, at which the principal speaker was Lord Evershed, M.R.; the president of The Law Society, Mr. Arthur J. Driver, was in the chair.


# THE NATIONAL TRUST

## for Places of Historic Interest or Natural Beauty

now owns over 100 Historic Houses and about a quarter of a million acres of land throughout England, Wales and Northern Ireland. The Trust is completely independent of the Government and is supported by the voluntary contributions and the voluntary work of many private individuals throughout the country.

Legacies are essential if the Trust is to be able to continue its work of preserving, for the benefit of the nation, land and gardens of outstanding beauty and buildings of architectural importance.

All too often a beautiful tract of country or a magnificent building is offered to the Trust and has to be refused for lack of the money needed to maintain it.

A form of bequest is shown below for the guidance of solicitors.

**I give to the National Trust for Places of Historic Interest or Natural Beauty (commonly known as "the National Trust") whose office is at 42 Queen Anne's Gate in the City of Westminster the sum of £ to be applied for the General Purposes of the National Trust; and I declare that the receipt of the person who professes to be the Secretary or other proper officer for the time being of the National Trust shall be a sufficient discharge for the same.**

# THE CLERGY ORPHAN CORPORATION

5 VERULAM BUILDINGS
GRAY'S INN, LONDON, W.C.1

PATRON: H.M. THE QUEEN

Founded over 200 years ago to MAINTAIN, EDUCATE and CLOTHE fatherless children of the clergy of the CHURCH OF ENGLAND and the CHURCH IN WALES

*CHILDREN are sent to the Corporation's Schools:*

**ST. MARGARET'S SCHOOL**
**BUSHEY, HERTS**
**for girls**

**ST. EDMUND'S SCHOOL**
**CANTERBURY, KENT**
**for boys**

## PLEASE HELP US TO CONTINUE OUR WORK

**We depend entirely on voluntary gifts and legacies. Contributions will be gratefully acknowledged by the Secretary**

---

# *Where there's a WILL there's a way*

. . . a way to sustain the work of the College which has already trained over 6,000 disabled men and women, who were formerly unemployable, in 17 different trades in open industry.

## Queen Elizabeth's Training College for the Disabled

BERNHARD BARON MEMORIAL

*Patron:* HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

PRESIDENT: LIEUT-GENERAL THE RT. HON. THE LORD FREYBERG, V.C., G.C.M.G. K.C.B., K.B.E., D.S.O.
CHAIRMAN: E. S. EVANS, C.B.E., F.R.C.S. PRINCIPAL: A. E. R. BRUCE, O.B.E.

**LEATHERHEAD COURT, SURREY**
**TELEPHONE: OXSHOTT 2204/5**

## County Court Letter

# ALL BURNED UP

It is, alas, regrettably true that when an action is fought out in a county, or for that matter any other civil, court, the chances that both sides will leave the field of battle satisfied with the result are remote. Somebody has to lose, and if that somebody is not sufficiently bright to follow and appreciate the quick thrust and parry of legal argument or the measured logic of the Bench the chances are that he or she, especially she, will leave the court with a feeling that an injustice has been done, disgruntled and unconvinced in defeat. To put it vulgarly, he or she will be all burned up.

Experience has shown that the first reaction is to storm out of court muttering darkly about British justice and threatening appeal to the House of Lords at least. Whatever second thoughts may be on the first subject, the passage of a few hours and perhaps a few pints usually serves to modify a snap decision on the second, and if a suitable formula can be evolved to minimise loss of face the question of appeal is allowed to go to sleep, though subsequent judgment summonses or oral examinations as to means may cause it to stir in its dreams momentarily. However dissatisfied an unsuccessful litigant may feel, he, or she once more, usually only takes his or her grievance home or to the local, according to taste.

### Active measures

However, there are those rugged individuals whose sense of justice or possibly thirst for revenge is sufficiently strong for them to want to take some action to redress the seeming wrong. Not content with simply nursing a grievance (which for some people can be a peculiarly warming thing to do), and perhaps knocked out by ss. 108 and 109 of the County Courts Act, 1959, because of the smallness of the claim, they look elsewhere for channels of spleen-ventilation. The judge's car has been known to provide one of these conveniences, and a few surreptitious kicks can create some most feeling-relieving dents and scratches. Nor is the satisfaction any the less if the car in fact belongs to a bailiff, if the kicker does not know that.

If there is an Oscar for dissatisfied litigants, it seems possible that one of its recipients might be a certain naval rating of Portsmouth who, it is alleged, broke into the local county court office and set fire to the record room. It has not been reported whether he was, in fact, a judgment debtor or not, but it would seem improbable that anyone would bother to go to such lengths if not personally concerned. We re-emphasise, it is only alleged that the rating in question was responsible for this little bit of arson—the case has not been heard at the time of writing—but whoever did it certainly believed in going the whole hog. As an alternative to asking for the payment order to be varied to one of ten bob a month the gesture has a certain majesty about it. Perhaps that mysterious gentleman, the naval tailor, who seems to require such a substantial part of a rating's weekly capful of cash, had something to do with it. In any case the simple logic of "Burn the records and nobody can tell what you owe" seems to have prevailed.

### Safe as houses

Anyone who has experienced even the mildest form of fire in a house will know what an incredible trail of black slush, charred debris and general chaos it leaves in its wake, no matter how efficiently the firemen perform their function as housemaids extraordinary. No doubt a court office is no exception. But it will probably distress our incendiary friend to learn that the court records that matter are all tucked away in a strong room at night, or at any rate are supposed to be. With the aid of these, the Register of County Court Judgments in Dean's Yard, and such unconsumed portions of the day's ration of paper work as remain, the whole sordid picture can be built up again. Like a most unwelcome phoenix, the judgment debt can arise from the ashes to plague the amateur of arson. Doubtless the blue summons will be met with even bluer language than usual.

First reports seem to suggest that the Portsmouth fire was a pretty comprehensive job, but if the offending order was made by the registrar our match-happy friend will be very sorry to hear that his court was not much damaged. But it is rather interesting to learn by all accounts that what must be one of the, if not the, latest county court buildings could go up in flames with such enthusiasm. Usually, as we said before, it is the litigants that get all burned up, not the court.

J. K. H.

---

### Honours and Appointments

Mr. Keith Charles Bladon, solicitor, of Newport, prosecuting solicitor for Monmouthshire, has been appointed deputy clerk and solicitor to the Wrexham rural council.

Mr. John Blamire Brown, L.A.M.T.P.I., chief assistant county solicitor for Stafford County Council, has been appointed deputy clerk of the council, and deputy clerk of the peace for Staffordshire.

Mr. David Geoffrey Edwards, solicitor and deputy town clerk of Colwyn Bay borough council, has been appointed town clerk of the borough, in succession to Mr. Harold Ernest Braithwaite, who retires at the end of May, 1962.

Mr. Ralph Hacking Hulme, solicitor, of Leeds, clerk and solicitor to Aireborough urban district council, has been appointed to a similar post on the Ripon rural district council, as from March, 1962.

Mr. Kenneth George Illtyd Jones has been appointed deputy chairman of the court of quarter sessions for the county of Hereford.

Mr. Frederick Richard Lloyd, solicitor, of the town clerk's department of Liverpool Corporation, has been appointed an assistant town clerk to Preston Corporation.

Mr. George Dudley Gwynne Perkins (Dudley Perkins, broadcaster and author) has been appointed joint deputy general manager of the Port of London Authority, to which he is now solicitor. The appointment takes effect on 2nd March, 1962.

Mr. Ewart Rex Spooner, solicitor, of Herne Bay, assistant solicitor to the city of Rochester, has been appointed deputy clerk and solicitor to Whitstable Urban District Council.

Mr. Richard William Vick has been appointed deputy chairman of the West Kent court of quarter sessions.

Mr. Lyall Wilkes has been appointed deputy chairman of the court of quarter sessions for the county of Durham.

Mr. Francis John Watkin Williams, Q.C., has been appointed chairman of the court of quarter sessions for the county of Flint.

# THE CLERGY ORPHAN CORPORATION

5 VERULAM BUILDINGS
GRAY'S INN, LONDON, W.C.1

PATRON: H.M. THE QUEEN

Founded over 200 years ago to MAINTAIN, EDUCATE and CLOTHE fatherless children of the clergy of the CHURCH OF ENGLAND and the CHURCH IN WALES

*CHILDREN are sent to the Corporation's Schools:*

**ST. MARGARET'S SCHOOL**
**BUSHEY, HERTS**
**for girls**

**ST. EDMUND'S SCHOOL**
**CANTERBURY, KENT**
**for boys**

## PLEASE HELP US TO CONTINUE OUR WORK

**We depend entirely on voluntary gifts and legacies. Contributions will be gratefully acknowledged by the Secretary**

---

# *Where there's a WILL there's a way*

. . . a way to sustain the work of the College which has already trained over 6,000 disabled men and women, who were formerly unemployable, in 17 different trades in open industry.

## Queen Elizabeth's Training College for the Disabled

BERNHARD BARON MEMORIAL

*Patron:* HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

PRESIDENT: LIEUT-GENERAL THE RT. HON. THE LORD FREYBERG, V.C., G.C.M.G. K.C.B., K.B.E., D.S.O.
CHAIRMAN: E. S. EVANS, C.B.E., F.R.C.S. PRINCIPAL: A. E. R. BRUCE, O.B.E.

**LEATHERHEAD COURT, SURREY**
**TELEPHONE: OXSHOTT 2204/5**

## County Court Letter

# ALL BURNED UP

IT is, alas, regrettably true that when an action is fought out in a county, or for that matter any other civil, court, the chances that both sides will leave the field of battle satisfied with the result are remote. Somebody has to lose, and if that somebody is not sufficiently bright to follow and appreciate the quick thrust and parry of legal argument or the measured logic of the Bench the chances are that he or she, especially she, will leave the court with a feeling that an injustice has been done, disgruntled and unconvinced in defeat. To put it vulgarly, he or she will be all burned up.

Experience has shown that the first reaction is to storm out of court muttering darkly about British justice and threatening appeal to the House of Lords at least. Whatever second thoughts may be on the first subject, the passage of a few hours and perhaps a few pints usually serves to modify a snap decision on the second, and if a suitable formula can be evolved to minimise loss of face the question of appeal is allowed to go to sleep, though subsequent judgment summonses or oral examinations as to means may cause it to stir in its dreams momentarily. However dissatisfied an unsuccessful litigant may feel, he, or she once more, usually only takes his or her grievance home or to the local, according to taste.

### Active measures

However, there are those rugged individuals whose sense of justice or possibly thirst for revenge is sufficiently strong for them to want to take some action to redress the seeming wrong. Not content with simply nursing a grievance (which for some people can be a peculiarly warming thing to do), and perhaps knocked out by ss. 108 and 109 of the County Courts Act, 1959, because of the smallness of the claim, they look elsewhere for channels of spleen-ventilation. The judge's car has been known to provide one of these conveniences, and a few surreptitious kicks can create some most feeling-relieving dents and scratches. Nor is the satisfaction any the less if the car in fact belongs to a bailiff, if the kicker does not know that.

If there is an Oscar for dissatisfied litigants, it seems possible that one of its recipients might be a certain naval rating of Portsmouth who, it is alleged, broke into the local county court office and set fire to the record room. It has not been reported whether he was, in fact, a judgment debtor or not, but it would seem improbable that anyone would bother to go to such lengths if not personally concerned. We re-emphasise, it is only alleged that the rating in question was responsible for this little bit of arson—the case has not been heard at the time of writing—but whoever did it certainly believed in going the whole hog. As an alternative to asking for the payment order to be varied to one of ten bob a month the gesture has a certain majesty about it. Perhaps that mysterious gentleman, the naval tailor, who seems to require such a substantial part of a rating's weekly capful of cash, had something to do with it. In any case the simple logic of "Burn the records and nobody can tell what you owe" seems to have prevailed.

### Safe as houses

Anyone who has experienced even the mildest form of fire in a house will know what an incredible trail of black slush, charred debris and general chaos it leaves in its wake, no matter how efficiently the firemen perform their function as housemaids extraordinary. No doubt a court office is no exception. But it will probably distress our incendiary friend to learn that the court records that matter are all tucked away in a strong room at night, or at any rate are supposed to be. With the aid of these, the Register of County Court Judgments in Dean's Yard, and such unconsumed portions of the day's ration of paper work as remain, the whole sordid picture can be built up again. Like a most unwelcome phoenix, the judgment debt can arise from the ashes to plague the amateur of arson. Doubtless the blue summons will be met with even bluer language than usual.

First reports seem to suggest that the Portsmouth fire was a pretty comprehensive job, but if the offending order was made by the registrar our match-happy friend will be very sorry to hear that his court was not much damaged. But it is rather interesting to learn by all accounts that what must be one of the, if not the, latest county court buildings could go up in flames with such enthusiasm. Usually, as we said before, it is the litigants that get all burned up, not the court.

J. K. H.

---

### Honours and Appointments

Mr. KEITH CHARLES BLADON, solicitor, of Newport, prosecuting solicitor for Monmouthshire, has been appointed deputy clerk and solicitor to the Wrexham rural council.

Mr. JOHN BLAMIRE BROWN, L.A.M.T.P.I., chief assistant county solicitor for Stafford County Council, has been appointed deputy clerk of the council, and deputy clerk of the peace for Staffordshire.

Mr. DAVID GEOFFREY EDWARDS, solicitor and deputy town clerk of Colwyn Bay borough council, has been appointed town clerk of the borough, in succession to Mr. HAROLD ERNEST BRAITHWAITE, who retires at the end of May, 1962.

Mr. RALPH HACKING HULME, solicitor, of Leeds, clerk and solicitor to Aireborough urban district council, has been appointed to a similar post on the Ripon rural district council, as from March, 1962.

Mr. KENNETH GEORGE ILLTYD JONES has been appointed deputy chairman of the court of quarter sessions for the county of Hereford.

Mr. FREDERICK RICHARD LLOYD, solicitor, of the town clerk's department of Liverpool Corporation, has been appointed an assistant town clerk to Preston Corporation.

Mr. GEORGE DUDLEY GWYNNE PERKINS (Dudley Perkins, broadcaster and author) has been appointed joint deputy general manager of the Port of London Authority, to which he is now solicitor. The appointment takes effect on 2nd March, 1962.

Mr. EWART REX SPOONER, solicitor, of Herne Bay, assistant solicitor to the city of Rochester, has been appointed deputy clerk and solicitor to Whitstable Urban District Council.

Mr. RICHARD WILLIAM VICK has been appointed deputy chairman of the West Kent court of quarter sessions.

Mr. LYALL WILKES has been appointed deputy chairman of the court of quarter sessions for the county of Durham.

Mr. FRANCIS JOHN WATKIN WILLIAMS, Q.C., has been appointed chairman of the court of quarter sessions for the county of Flint.

"The Solicitors' Journal"
Friday, December 8, 1961

# FURTHER THOUGHTS ON ARCHBOLDS' CASE

THE Court of Appeal's decision in *Archbolds (Freightage), Ltd.* v. *S. Spanglett, Ltd.; Randall (third party)* [1961] 2 W.L.R. 170; p. 149, *ante*, as D.G.C. has shown at p. 621, *ante*, illustrates once again the realist and practical attitude which the judiciary adopt when considering the subject of illegality in contract. One is reminded of Devlin, J.'s remarks in *St. John Shipping Corporation* v. *J. Rank, Ltd.* [1957] 1 Q.B. 267, where (at p. 282) he accepted counsel's submission that "one must not be deterred from enunciating the correct principle of law because it may have startling or even calamitous results" but went on to admit: "I confess I approach the investigation of a legal proposition which has results of this character with a prejudice in favour of the idea that there may be a flaw in the argument somewhere."

Although the Court of Appeal in *Archbolds'* case agreed with the trial judge that the plaintiffs were unaware of the fact that the defendants only had a "C" licence, it does not seem to have been considered whether the plaintiffs were under any obligation to inquire from the defendants as to what kind of licence they had for the vehicle which was to carry their consigned goods. Under the Defence (General) Regulations, reg. 56A (now repealed), it will be remembered, the courts held that builders were under a duty to ensure that a building licence had been granted before commencing building operations (see Denning, L.J., in *J. Dennis and Co., Ltd.* v. *Munn* [1949] 2 K.B. 327 at p. 331). Although there are many differences between the position of builders under the Defence Regulations and that of the carriers in *Archbolds'* case, there is much common sense in the view that, where carriers who hold "A" licences employ sub-contractors to carry for them, they should be under a duty to inquire and satisfy themselves that the sub-contractors have the appropriate licences.

Three main questions arose in *Archbolds'* case: (1) Where did the alleged illegality occur in the particular transaction? (2) Was the contract of carriage expressly or impliedly prohibited by the Act? (3) Were the plaintiffs prevented by public policy principles from suing on the contract? These three questions are examined below.

### (1) Where did the alleged illegality occur in the transaction?

It is clear from the facts in *Archbolds'* case that the illegality arose in connection with the performance of the contract. The Court of Appeal in *Anderson, Ltd.* v. *Daniel* [1924] 1 K.B. 138, seem to have established that if the mode of performance of a contract is illegal that may make the whole contract unenforceable. Atkin, L.J., said (at p. 149) that a contract was "unenforceable by the offending party where the illegality arises from the fact that the mode of performance adopted by the party performing it is in violation of some statute, even though the contract as agreed upon between the parties was capable of being performed in a perfectly legal manner."

The decision in *Anderson's* case has been judicially examined many times in recent years with varying degrees of success. Devlin, J., in the *St. John Shipping Corporation* case, *supra*, pointed out that it was important to distinguish two classes of illegality. The first class was where a contract was entered into with the object and intention of committing an illegal act. This "wicked intention" must have been contemplated at the time the contract was made. If the guilty intention is mutual then the whole contract is unenforceable by either party. If the guilty intent is unilateral then the contract is unenforceable at the suit of the guilty party. In this class of case the test to be applied is: what act does the statute in question prohibit? The second class is where there was no such intention at the time the contract was made but the contract in question is expressly or impliedly prohibited by a statute. The intention of the parties in this class of case is irrelevant. The test is: what contracts does the statute prohibit?

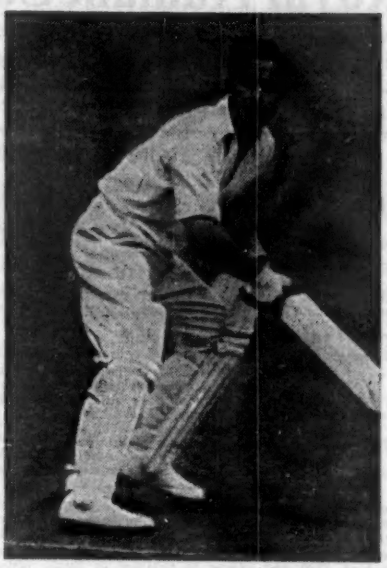
Devlin, J., considered that *Anderson's* case was an example of the second class and adopted the explanation of Jenkins, L.J., in *B. & B. Viennese Fashions* v. *Losane* [1952] 1 All E.R. 909, at p. 913, that "the mode in which the contract was performed or purported to be performed in this case sufficed to turn it into an illegal contract"—i.e., the way in which the contract was performed turned it into the sort of contract that was prohibited by the statute. However, there are other judges who apparently take a different view and seem to say that, if the case falls within the second class mentioned above and is concerned with an illegal method of performance, this illegality cannot affect the validity of the original contract. Thus Denning, L.J., said in *Marles* v. *Philip Trant and Sons, Ltd.; MacKinnon (third party)* (*No. 2*) [1954] 1 Q.B. 29, at p. 37: "I do not think that the law has ever countenanced the idea that a transaction lawful when done can be rendered unlawful by the doctrine of relation back" (see also at pp. 32 and 43). It is not suprising, however, that this point was not taken by the plaintiffs in *Archbolds'* case in view of Devlin, L.J.'s declared preference for the view of Jenkins, L.J., in the *B. and B. Viennese Fashions* case.

### (2) Was the contract expressly or impliedly prohibited by the statute?

The test to be applied in *Archbolds'* case is: what contracts does the Road and Rail Traffic Act, 1933, s. 1, prohibit? The contract may be prohibited expressly or impliedly, and to ascertain whether it is so prohibited "one must have regard to the language used and to the scope and purpose of the statute" (per Devlin, L.J., in *Archbolds'* case, at p. 181).

The fact that the statute provides a penalty for a breach of its provisions does not mean that it does not also prohibit certain contracts (see, e.g., *Bensley* v. *Bignold* (1822), 5 B. and Ald. 335); however, the fact that a penalty is expressly provided should be taken into consideration and Devlin, L.J., said in *Archbolds'* case, at p. 181: "I think the purpose of this statute is sufficiently served by the penalties prescribed for the offender: the avoidance of the contract would cause grave inconvenience and injury to innocent members of the public without furthering the objects of the statute."

Both in *Archbolds'* case and in the *St. John's Shipping Corporation* case, it was emphasised that the statute must be directly aimed at that particular class of contract and did not extend to prohibit incidental or collateral contracts. Devlin, J., in the *St. John's Shipping Corporation* case took this consideration to the logical extreme and pointed out that if collateral contracts were within the ambit of a statute then a consignee of goods who could prove that a carrier by road at some stage in the journey had exceeded the speed limit would be able to escape paying for the carriage, and "a service of trained observers on all our main roads would soon pay for itself" (at p. 281).



**THIS?**

**or THIS?**

# BRITISH RHEUMATISM AND ARTHRITIS ASSOCIATION

*President:* The Rt. Hon. Viscount Nuffield, G.B.E., C.H., F.R.S.

| | |
|---|---|
| **FIGHTS** | Rheumatism and Arthritis in all its forms. |
| **HELPS** | Those who are victims with information, advice and practical aid. |
| **TEACHES** | All who are threatened that early diagnosis and treatment are essential. |
| **WANTS** | Every Rheumatic Sufferer as a member. |
| **RUNS** | A holiday hotel at Birchington, Kent. |

**LEGACIES AND DONATIONS ARE URGENTLY REQUIRED**

*Further information and forms of bequest may be obtained from:*

**Administrative Secretary, 11 Beaumont Street, London, W.1**

# Neglected Children

FAMILY SERVICE UNITS fights child neglect where it occurs—in the home. Our workers help neglectful parents to make better homes for their children by getting down to their problems with them and giving them the help and encouragement they need to overcome their many difficulties.

*Donations and legacies are urgently needed for this work. This Christmas please remember children in unhappy homes.*

## FAMILY SERVICE UNITS

*Patron:*
*Her Majesty Queen Elizabeth The Queen Mother*

**207 Marylebone Road, London, N.W.1**

# Royal Humane Society

**Instituted 1774**

INCORPORATED BY ROYAL CHARTER 1959

***Supported by Voluntary Contributions***

*Patron:* HER MAJESTY THE QUEEN
*President:*
H.R.H. THE DUKE OF GLOUCESTER, K.G., K.T., K.P., etc.
*Chairman:* REAR-ADMIRAL PIERS K. KEKEWICH, C.B.

OBJECTS OF THE SOCIETY

In the terms of the Royal Charter graciously granted by Her Majesty Queen Elizabeth II in 1959 to the Society, instituted in 1774 :—

*Paragraph 4 of the Charter*

The main objects for which the Society is established and incorporated are :

(a) To bestow rewards for the preservation and restoration of life.
(b) To collect and circulate information relating to the most approved and effectual methods for recovering persons apparently drowned or dead.
(c) To encourage knowledge of life saving, to investigate methods of life saving and resuscitation, and to reward such knowledge.
(d) To provide (in exceptional cases only) suitable apparatus in and around the metropolis for rescuing persons from drowning.

One thousand and fifty-three persons have been rewarded by the Society during the year 1960 for saving or attempting to save 770 persons from drowning and other risks in all parts of Her Majesty's Empire and Commonwealth.

The Society's model Receiving House in Hyde Park was damaged by enemy action in 1940 and, owing to shortage of funds, restoration has been abandoned.

The Committee earnestly APPEAL FOR FUNDS to enable them to meet the increasing demands upon the Society's resources in fulfilling the above objects.

*Secretary:* COLONEL G. W. M. GROVER, O.B.E., R.M.

*Offices:*
**Watergate House, York Buildings, Adelphi, London, W.C.2**

# £90,000 URGENTLY NEEDED *by*
# *The Royal School for the Blind*

*Leatherhead, Surrey*

(*Patron: Her Royal Highness The Princess Marina, Duchess of Kent*)

For the conversion and modernisation of the second half of our School Building which was returned to us on Christmas Day 1960. The whole of the building was taken from us at the outbreak of the war in 1939 and used as an emergency Hospital and afterwards accommodated the Chelsea Pensioners who were bombed out of their building in London. The first half of the building was returned to us on Christmas Day 1956 and after modernisation was re-opened by Her Royal Highness The Duchess of Kent in October, 1958.

The Royal School for the Blind, established in 1799, was the first School for the Blind in the Home Counties and the south of England and it trains the blind, deaf-blind and deaf-dumb blind to become self-reliant and productive citizens. In addition to blindness many of our residents are spastic, crippled, epileptic and diabetic.

The School has the only Residential Occupational Therapy Department in the country and is national in character but not nationalised and is dependent upon the generosity of friends with seeing eyes.

## WILL YOU PLEASE HELP US?

There are many examples of contracts which have been held to be expressly or impliedly prohibited by a statute (see, e.g., *Bensley* v. *Bignold, supra; Cope* v. *Rowlands* (1836), 2 M. & W. 149; the *B. and B. Viennese Fashions* case *supra; Re Mahmoud and Ispahani* [1921] 2 K.B. 716). Each case depends on the wording of the particular statute.

**(3) Were the plaintiffs prevented by public policy principles from suing on the contract?**

It is well established that, if a contract is *ex facie* illegal, neither party can rely on the contract, irrespective of whether they knew of the illegality or not (e.g., *Nash* v. *Stevenson Transport, Ltd.* [1936] 2 K.B. 128). This is based on the maxim *ignorantia juris haud excusat*. In *Archbolds'* case the contract was not *ex facie* illegal; Pearce, L.J., said at p. 179: "Must any reasonable person on hearing the terms of the contract (with presumed knowledge of the law) realise that it was illegal? There is nothing illegal in its terms."

The plaintiffs were the innocent parties. They had not committed any illegal act. Just because it is an offence for one party to enter into a contract the contract itself is not rendered void (e.g., *Bloxsome* v. *Williams* (1824), 3 B. and C. 232), and the defendants could find no direct authority to assist them in establishing that it was contrary to public policy to permit the plaintiffs to sue on the contract—"No case has been cited to us establishing the proposition that where a contract is on the face of it legal and is not forbidden by statute, but must in fact produce illegality by reason of a circumstance known to one party only, it should be held illegal so as to debar the innocent party from relief" (per Pearce, L.J., at p. 179).

**Conclusion**

The loss of 200 cases of whisky may have given rise to a deep feeling of sorrow among many readers, and their sense of tragedy was probably not made any easier when they discovered that not only was the whisky lost but its disappearance had given rise to further judicial utterances on the tiresome subject of illegality in the law of contract. Indeed this second factor might well have seemed as tragic as the original loss. *Archbolds'* case has, however, added little other than to emphasise that the courts adopt a practical and commonsense approach to the subject.

ANTHONY SCRIVENER.

# PUBLIC PURPOSE TRUSTS

MUCH has been written in legal journals on the subject of purpose trusts generally (see references given in "The Rule against Perpetuities," by Morris and Leach, at p. 295 *n.*), but not so much seems to have been said about the special case of a purpose trust where the trustee/beneficiary is a local authority and the purpose is a public one. What is the effect, for example, of a conveyance to a local authority of a parcel of land on trust for use as a park or as a swimming pool, and subject to the condition that the land shall be so used "for ever"? Further, suppose a fund is given to the local authority subject to a direction that the capital is to be invested and the income used "for ever" for the maintenance of the park or swimming pool. What is the effect of such gifts; are they valid, and are the conditions enforceable? Must the local authority pay rates on such property? We will attempt to answer these questions in the course of this article.

In the first place it seems that a trust of this kind is probably not charitable. "Public purposes" are not necessarily charitable (see, e.g., *Houston* v. *Burns* [1918] A.C. 337; a trust for "public, benevolent or charitable" purposes was held not to be charitable), and although charitable trusts are sometimes called public trusts (see, e.g., Snell's Equity, 25th ed., at p. 137 et seq.), and every charitable trust to be recognised as such must involve an element of benefiting the public (ibid., p. 140), the two terms are by no means synonymous and are treated as distinct in s. 3 (1) of the Law of Property Amendment Act, 1926. A trust for a public purpose may in some cases be held to be charitable, as was a trust for the establishment of a volunteer public fire brigade which was not maintained by the local authority (*Re Wokingham Fire Brigade Trusts; Martin* v. *Hawkins* [1951] Ch. 373), but gifts to a local authority are not charitable unless they are given for such purposes as are ordinarily regarded by the law as charitable. Thus, in *Re Endacott; Corpe* v. *Endacott* [1960] Ch. 232, the gift to a parish council "for the purpose of providing some useful memorial" to the testator was described as a public but non-charitable trust, whilst in *Re Cottam; Midland Bank Executor and Trustee Co.* v. *Huddersfield Corporation* [1955] 1 W.L.R. 1299, a gift to a local authority to provide flats for aged persons was held to be charitable. A gift of land to trustees to provide a recreation ground for the inhabitants of a certain area was held to be charitable in *Re Morgan; Cecil-Williams* v. *A.-G.* [1955] 1 W.L.R. 738.

A conveyance, by gift or on sale, of land to a local authority to hold on trust for "public purposes" is therefore almost certainly not charitable, for the land may be used, within the statutory powers of the local authority (and subject, if necessary, to a formal appropriation under the Local Government Act, 1933), for purposes which would not be charitable. If on the other hand purposes are specified in the gift and these come within the definition of a charity (possibly as expanded by the Recreational Charities Act, 1958), then clearly the gift (if such it be) will be charitable.

**Human beneficiaries essential?**

It has been said that a non-charitable trust will fail if there is (or are) no ascertained or ascertainable human beneficiaries. As was said in a passage that has often been cited, in *Morice* v. *Bishop of Durham* (1804), 10 Ves. 522, "Every other [i.e., non-charitable] trust must have a definite object. There must be somebody, in whose favour the court can decree performance." "If a gift is made to individuals, whether under their own names or in the name of their society, and the conclusion is reached that they are not intended to take beneficially, then they take as trustees. If so, it must be ascertained who are the beneficiaries": per Viscount Simonds in *Leahy* v. *A.-G. for New South Wales* [1959] A.C. 457, at p. 484. How can this principle be applied to the case of a gift of land to a local authority for a public purpose that is so drawn as not to be charitable? If the purposes are not defined at all, then of course there are virtually no restrictions on the property, and the gift becomes absolute and prima facie valid; see, e.g., *Re Ogden* [1933] Ch. 678. Where, however, it is expressly provided that the

property may be used only for certain specified public purposes, it seems that the gift is valid, and that the local authority may, subject to the specified purposes being within their own statutory powers, use the property for the specified purposes, provided those purposes are "local," or are for the benefit of the inhabitants of their area. A gift to a county council of land to be used as a recreation ground would, it is submitted (apart from local Act powers), be invalid, as a county council have no recreation ground powers. The proviso about local purposes is necessary because of the terms of s. 268 of the Local Government Act, 1933; apart from that section it seems doubtful whether a local authority can accept gifts at all (s. 85 of the Education Act, 1944, makes special provision for gifts to a local education authority for "purposes connected with education"), but it should be noted that there is nothing in the section to suggest that the power is restricted to those gifts which are by law charitable.

**Position upon breach of trust**

The next question that arises is, what is the position if the local authority fail or cease to use the property for the specified purposes, in breach of trust? The powers of s. 163 of the Local Government Act, 1933, will not affect the question, for although this section gives wide powers of appropriation of land from one purpose to another (now untrammelled by the need to obtain the consent of a Minister: Town and Country Planning Act, 1959, s. 23), those powers may be exercised only "subject to any covenant or restriction affecting the use of the land in their hands." There are two answers to this question.

(*a*) If a local authority act *ultra vires*, they may be restrained by the court in proceedings for an injunction brought by the Attorney-General at the relation of an aggrieved ratepayer: see, e.g., *A.-G.* v. *Westminster City Council* [1924] 2 Ch. 416. The court will, it seems clear, enforce by this means a restriction on the powers of the local authority imposed in a grant or conveyance of land, but the terms of the restriction will be construed strictly in favour of the local authority. Thus, in *A.-G.* v. *Bradford Corporation* (1911), 55 SOL. J. 715, 53 acres of land had been conveyed to the corporation in 1870 at a low purchase price, on condition that they should appropriate 40 acres thereof for a park and public recreation ground. The whole area was then laid out as a park. In 1910 the corporation proposed to throw a portion of the park, somewhat over an acre, into the neighbouring highway. It was held that, by allowing the public to use the whole 53 acres as a park, the corporation had not lost their power to use up to 13 acres for other purposes, and an injunction to prevent the proposal under consideration was therefore refused.

(*b*) In Morris and Leach, op. cit., at p. 309, it is said:

> "In the cases where a trust for non-charitable purposes has been sustained the analysis is, as we have seen, that the trustee cannot take beneficially because he is a trustee; that, if he is willing to perform, no one can prevent him from doing so; and that, if he does not perform, there is a resulting trust for the residuary legatees or next-of-kin. It is entirely consistent with this analysis to give the residuary legatees or next-of-kin the right to complain to the court if the trustee puts the money in his pocket, or applies it to some different object or refuses to perform it at all."

A gift of property for specified purposes only is virtually a determinable interest; it follows the pattern of the example given in the old real property text books, "to *A* and his heirs tenants of the Manor of Dale" (see, e.g., Blackstone, vol. II, p. 155; the interest vesting in the local authority will therefore not be capable of being a legal estate (Law of Property Act, 1925, ss. 1 (1), 7 (1)), and the deed conferring the interest will be deemed to have created a settlement for the purposes of the Settled Land Act, 1925 (s. 1 (1) (ii) (*c*)). Of course if this condition of affairs is pushed to its logical limit, and the local authority take steps to obtain a legal estate (as they would be entitled to do under s. 16 of the Settled Land Act, 1925), it would seem that the purposes of the conveyance may then be overriden by a sale under Settled Land Act powers (especially if the particular local authority have been prescribed by the Lord Chancellor as a "trust corporation" under s. 3 (1) of the Law of Property Amendment Act, 1926); and s. 165 of the Local Government Act, 1933, gives an unrestricted power (not now subject to any need to obtain ministerial consent) to any local authority to "sell any land which they may possess and which is not required for the purpose for which it was acquired or is being used." The Settled Land Act will not enable a local authority to use land themselves in defiance of a trust of a type here contemplated, as such a use would automatically bring the authority's beneficial interest to an end and enable the reversioner to call for a conveyance of the legal estate (Settled Land Act, 1925, s. 16), but a sale under the statutory powers could effectively override the grantor's restrictions.

**Income for maintenance of land**

We must next consider the case of money given or left to a local authority on trust to invest the capital and use the income for the maintenance of land held for some public purposes that in the special circumstances are not charitable. Here the gift will offend the "perpetuity rule," or rather the separate branch of that rule (or is it a rule of its own?) known as the rule against inalienability, which is really a rule restricting the duration of a trust for a non-charitable purpose to what is normally known as "the perpetuity period" (see Morris and Leach, op. cit., p. 306 et seq.). A gift of a fund with the direction that the income is to be used for ever (or for a period in excess of the perpetuity period) for a non-charitable purpose is void because the capital is rendered inalienable for too long a period: see, e.g., the well-known case of *Carne* v. *Long* (1860), 2 De G. F. & J. 75. If of course the period for which the income is to be used for the specified purposes is confined within the limits of the perpetuity period, the gift will be valid, provided the capital may be freely disposed of at the end of that time.

**Local authority's liability for rates**

Finally there is the question of the liability of the local authority to pay rates in respect of property held on a purpose trust of a kind here contemplated. If land has in such circumstances been "struck with sterility," where, e.g., statutory powers required that a park should be used as such "perpetually," it has for many years been held that the local authority are not liable for rates, for in such circumstances, said the House of Lords in the leading case of *Lambeth Overseers* v. *London County Council* [1897] A.C. 625 (the *Brockwell Park* case), the public are the only occupiers for the purposes of rating, and they cannot be rated. A similar view was taken in *Sheffield Corporation* v. *Tranter* [1957] 1 W.L.R. 843, where a restriction requiring the land to be used as public walks and pleasure grounds "for ever thereafter" was imposed not by statute but by a deed. In the recent case of *Blake* v. *Hendon Corporation* [1961] 3 W.L.R. 951; p. 666, *ante*, there was no statutory restriction or covenant on the land requiring it to be used as a park.

*"God made all the creatures and gave*
*them our love and our fear,*
*To give sign, we and they are His children,*
*one family here."*
*— Robert Browning, Saul St.VI.*

Each year millions of pounds are spent on medical research to benefit man. Some 18 years ago the Animal Health Trust was set up to study and combat animal disease. Since then, as a result of the Trust's research work, much animal suffering has been prevented. This humane work depends entirely on voluntary contributions. May we ask you to remember the Trust when advising your clients on charitable bequests.

*Please help us to fight animal suffering through research*

# THE ANIMAL HEALTH TRUST

PATRON: HER MAJESTY THE QUEEN • 14(S.J.), ASHLEY PLACE, WESTMINSTER, LONDON, S.W.1. TEL.: VICTORIA 3207/8

*BELOW IS A SPECIMEN FORM OF BEQUEST*

"I, give unto THE ANIMAL HEALTH TRUST, the address of which is 14 Ashley Place, Westminster, London, S.W.1., the sum of.....pounds sterling, free of Duty. And I direct that the receipt of the Hon. Treasurer or the Chairman of Council for the time being of the said Trust shall be a sufficient discharge for the Legacy, which is to be applied to the general purposes of the said Trust with particular reference to the....."

Here should follow the details (if any) of the branch of the Trust's work that the testator desires specially to help e.g., Equine, Canine, Poultry, Farm Livestock, etc.

## He brought health and happiness to millions

He is Professor Charles Best who, with the late Sir Frederick Banting, discovered insulin forty years ago. It was this discovery which saved millions of diabetics throughout the world from premature death. But *insulin is not a cure* and grave problems still exist for many diabetics. To overcome these problems and one day to conquer diabetes itself requires the services of many skilled research workers. One of the main activities of the British Diabetic Association is to support diabetic research and it appeals to all people of good will for help in this work.

*We will be happy to give details of the achievement and aims of the Association not only in supporting research but also in caring for diabetic old people and children and giving guidance to the many thousands who must follow the rules of the diabetic way of life.*

**The British Diabetic Association**

*President : Sir Basil Henriques*

**152 Harley Street, London, W.1** *Tel. Welbeck 6001*

---

## THE INSTITUTE OF CANCER RESEARCH: ROYAL CANCER HOSPITAL

The Institute of Cancer Research has been incorporated with the above title. It comprises the Chester Beatty Research Institute and departments of Physics and Radiotherapy. Intensive research is carried out in the Institute's own laboratories.

The Institute is not nationalised. It can accept legacies, which should be in the name of :

The Committee of Management of

**THE INSTITUTE OF CANCER RESEARCH: ROYAL CANCER HOSPITAL**

FULHAM ROAD, CHELSEA, LONDON, S.W.3

FLAXMAN 8171

---

## OUR DEBT TO NURSES——

**——is incalculable. But this can, to some extent, be repaid by remembering the older Nurses who gave devoted service in return for a miserable salary and who now need your help to provide them with security in their old age.**

**THE NURSES' MEMORIAL TO KING EDWARD VII**

was founded in 1912 to maintain a Home or Homes for Retired Nurses. Donations and Subscriptions under Covenant are urgently needed—also Bequests —to support the work of this Voluntary Organisation and to maintain its Home for elderly Nurses.

*Please write for brochure and address all enquiries to :—*

THE HON. SECRETARY AT 15 BUCKINGHAM STREET LONDON, W.C.2

Nonetheless the Court of Appeal held that, on the facts as to user by the public, "there is sufficient material from which to infer that beneficial ownership has passed to the public and to negative occupation by the local authority": per Devlin, L.J. Therefore the land was held to be free from liability to rates. This view of the law has now been confirmed by s. 13 (1) of the Rating and Valuation Act, 1961, which provides that

> "a park [including a recreation or pleasure ground, a public walk, an open space or a playing field provided under the Physical Training and Recreation Act, 1937; see subs. (2) of the present section] which has been provided by, or is under the management of a local authority and is for the time being available for free and unrestricted* use by members of the public shall, while so available, be treated for public purposes as if it had been dedicated in perpetuity for such use as aforesaid."

In future, therefore, the test whether or not a particular park is rateable will turn on the factual situation, whether the park is in fact enjoyed by the public at the time. The section is, however, interesting in its oblique reference to the "dedication in perpetuity" of the park for public use; references to such a concept will be found in the *Brockwell Park* case, *supra*, but really there is no legal justification for the use of "dedication" in this context. A park does not need to be "dedicated," either notionally or expressly, to public use, in the sense that a highway may be so dedicated, and indeed, apart from special statutes, a "park" is not a precise concept known to the law, like a highway or a private right of way. Declaration by the owner followed by acceptance by the public does not create a park (in *A.-G.* v. *Antrobus* [1905] 2 Ch. 188, it was held that the public could not acquire by presumed dedication and usage a *jus spatiandi* to walk at will over the land adjoining Stonehenge; and see also *Re Ellenborough Park; Re Davies; Powell* v. *Maddison* [1956] Ch. 131), nor need a local authority go through any formalities of "dedication" when they throw open a piece of land to the public as a park. In *Blake* v. *Hendon Corporation*, *supra*, Devlin, L.J., said: "'Dedication' may not be an inapt word to describe by way of analogy the moment when, the purpose having been executed, the public enter into the enjoyment of rights similar to those which they enjoy over a highway."

It should also be noticed that s. 13 (1) applies only to parks and recreation grounds (within the expanded definition of s. 13 (2)); it would not apply, for example, to a closed swimming pool, even if this had been given to the local authority subject to a "purpose trust" of the type here considered. Possibly in such circumstances the principle of the *Brockwell Park* case, *supra*, would apply so as to exempt the premises from liability to pay rates; but this would not follow if the authority charged for admission and so collected contributions towards their expenses, for in that event the local authority would be treated as being in beneficial occupation for rating purposes (*North Riding County Valuation Committee* v. *Redcar Corporation* [1942] 2 All E.R. 589).

### Conclusion

To conclude, it is submitted that: (*a*) A purpose trust for public purposes that is not charitable, where the trustee is a local authority (and probably also if the trustee is not a local authority), is valid, except in so far as capital may be tied up for a period longer than is permitted by the "perpetuity rule." (*b*) Such a purpose trust will be enforceable by action at the relation of the Attorney-General or by the residuary legatees, although the trust may be capable of being overridden by a sale under the Settled Land Act, 1925. (*c*) Land used as a park and open to the public free of charge, but subject to such a purpose trust, will always be exempt from rates; land used for other public purposes and subject to such a trust may be so exempt.

J. F. GARNER.

* I.e., without making any charge for admission; presumably this requirement would be defeated if part of the park were enclosed under the Public Health Act, 1961, s. 52.

# VALIDATION

THE Charitable Trusts (Validation) Act, 1954, has been with us for a little over seven years. In that time it has been the subject of a number of reported decisions—five at first instance and two on appeal. One of these decisions (*Vernon* v. *Inland Revenue Commissioners* [1956] 1 W.L.R. 1169) is of little or no general interest, but all the others shed some light on the exceptionally difficult and obscure provisions of this Act, and as I shall be referring to them continually in this article, I shall commence by setting down the references and then mentioning them shortly as *Harpur's* case or the *Gillingham* case, etc. The cases, in chronological order, are:—

*Re Gillingham Bus Disaster Fund; Bowman* v. *Official Solicitor* [1958] Ch. 300, and on appeal [1959] Ch. 62.

*Re Harpur's Will Trusts; Haller* v. *A.-G.* [1961] Ch. 38, and on appeal [1961] 3 W.L.R. 924; p. 609, *ante*.

*Re Wyles; Riddington* v. *Spencer* [1961] Ch. 229; p. 109, *ante*.

*Re Mead's Trust Deed; Briginshaw* v. *National Society of Operative Printers and Assistants* [1961] 1 W.L.R. 1244; p. 569, *ante*.

The Act is one of the children of the report on charitable trusts commonly known, from its chairman's name, as the Nathan Report (Cmd. 8710), and a real problem child it is. The report was published on 16th December, 1952, and under s. 1 (2) of the Act it is only provisions of certain kinds contained in instruments taking effect before that date which fall within the scope of the Act. The reason for this choice of date was referred to by Harman, L.J., in *Harpur's* case, where he said ([1961] 3 W.L.R., at p. 934):—

> "The hope that the publication of a well known report on charities would sound so loud in the ears of the public that all testators thereafter would abide by the law seems to me a chimerical one."

But however that may be, the Nathan recommendation for legislation arose directly out of the *Diplock* litigation, in which it was held, first (but not for the first time), that a gift to trustees for charitable or benevolent purposes is not a valid gift, and secondly (and this was, or at the time seemed to be, to some extent at any rate, novel), that property distributed to various charitable bodies under such a trust could be, within limits, recovered by the next of kin of the testator (the trustees' estates having first been exhausted in meeting the claims of the next of kin). Whether the Legislature had something more in mind than the reversal of the rule reiterated in the *Diplock* case seems very doubtful. In *Harpur's* case Cross, J., said ([1961] Ch., at p. 48) of the

argument that " objects " in s. 1 (1) of the Act should be construed to include " institutions " :—

> " This argument would have more weight with me if I knew what the Act was intended to achieve. If the Legislature considered that the old-established principle of law applied in [*Diplock's* case] led to results which were generally unsatisfactory, it would presumably have enacted that all gifts for the promotion of objects for the benefit of unascertainable bodies described by such adjectives as ' benevolent,' ' public,' ' philanthropic ' or the like should henceforth be treated as equivalent to gifts for the promotion of charitable objects or the benefit of charitable institutions. But the Legislature has done no such thing. The Act leaves the law untouched for the future . . ."

But recent decisions on the Act have applied s. 1 to dispositions of property whose language is very different from the simple dichotomy of the trust for " charitable or benevolent purposes " of the *Diplock* case.

### Consideration of 1954 Act

With that by way of general introduction, I propose now to examine and comment on certain key expressions used in the Act, in the light of the decisions. It is useless to pretend that even the most devoted student of the law of charitable trusts will have the words of this Act in his mind, and I will therefore set down the broad effect of the subsections as I go along before examining the salient provisions in detail.

Section 1 (1) defines the expression " imperfect trust provision " as meaning any provision declaring the objects for which property is to be held or applied, and so describing those objects that, consistently with the terms of the provision, the property could be used exclusively for charitable purposes, but could nevertheless be used for purposes which are not charitable. Section 1 (2) then provides that any imperfect trust provision contained in an instrument taking effect before 16th December, 1952, shall have, and be deemed to have had, effect in relation to any disposition to which the Act applies, (*a*) as respects the period before the commencement of the Act, as if the whole of the declared objects were charitable, and (*b*) as respects the period after the commencement of the Act, as if the provision had required the property to be held or applied for the declared objects in so far only as they authorise use for charitable purposes. (The expression " disposition to which the Act applies " is explained in s. 2 of the Act ; it does not affect what immediately follows.) It will be clear at once that, whatever else they comprehend, subss. (1) and (2) of s. 1 would have applied to the testator's will in the *Diplock* case, if the next of kin's rights, having been established before the Act came into force, had not been saved by s. 2 : the gift to trustees for " charitable or benevolent purposes " would, consistently with the terms thereof, have entitled the trustees to apply the subject of the gift exclusively for charitable purposes (which is what they in fact did), but would nevertheless also have entitled them to apply it for benevolent purposes. If the rights of the next of kin in that case had not been saved, the distribution of the estate among the selected charities would have been deemed to have been made on the footing that the declared objects of the testator (charitable or benevolent) had been exclusively charitable. If, similarly, the trustees had not distributed the whole of the estate at the commencement of the Act, any part which they had retained would then have been held for the declared objects (charitable or benevolent) in so far only as such objects authorised use for charitable purposes—i.e., for charitable purposes, or for such benevolent purposes as were charitable.

### Imperfect trust provisions

This seems simple enough, but only because the case taken as an example of the operation of s. 1 is the simplest possible. It is, indeed, the archetype of cases intended to fall within the Act. At one time it was suggested that it was perhaps the only type of case to fall within the Act. In the *Gillingham* case, Romer, L.J., said ([1959] Ch., at p. 77) :—

> " It may be that ' an imperfect trust provision ' under s. 1 (1) of the Act is confined to cases where, among the declared objects for which property is to be held or applied, one at least is charitable ; and that, accordingly, whilst a gift to ' charitable or benevolent ' objects would be within the Act, a gift to ' philanthropic or benevolent ' objects would not."

The point was not pursued in that case, it not being necessary to the decision.

The first of the expressions in subss. (1) and (2) of s. 1 which need comment is " imperfect trust provision." This is a phrase of definition merely, and must not be taken literally. " Imperfect " suggests invalidity. Of the trust in the *Diplock* case it could be said, indifferently, that (apart from this Act of course) it was invalid or imperfect. But there may be " imperfect trust provisions " as defined in s. 1 which are valid. Lord Evershed, M.R., gave as an example of such a provision (see *Harpur's* case [1961] 3 W.L.R., at p. 931) a gift upon trust to apply income during a limited period which does not offend the rule against perpetuities, e.g., ten years, for certain named purposes as the trustees think fit, some of the purposes being charitable and some being not charitable. Such a gift is valid apart from the Act, and yet it falls clearly within the definition of " imperfect trust provision." (I have mentioned this point here, as arising on the language of s. 1, but it is really a point on s. 2, which among other things saves from the consequences of s. 1 a disposition of property to be held for objects declared by an imperfect trust provision " where apart from this Act the disposition is invalid, but would be valid if the object was exclusively charitable "—difficult words, but which show clearly, in the words of Lord Evershed in the passage which I have already cited, that what is called " an imperfect trust provision " may nevertheless not be so imperfect as to be invalid.)

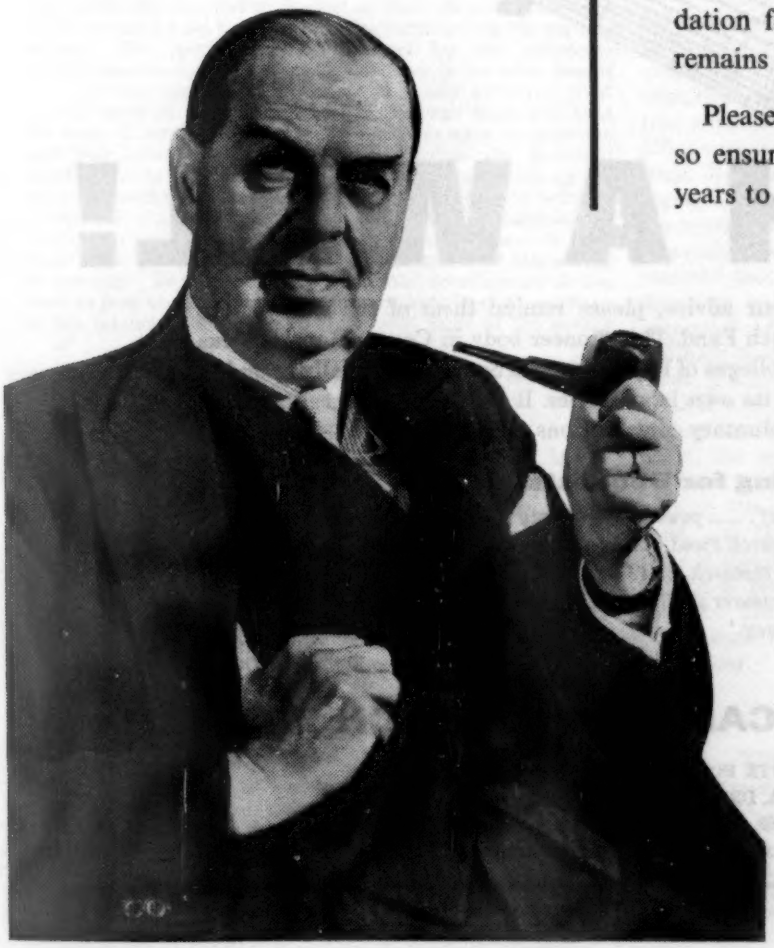
### " Objects " not inclusive of institutions

The next point is that " objects " does not include institutions. This has been clearly decided in *Harpur's* case, after having been the subject of some difference of judicial opinion in the *Gillingham* case. Cross, J., in *Harpur's* case drew attention ([1961] Ch., at p. 47) to the distinction which had been drawn in *Re Ogden* [1933] Ch. 678, between describing the character of the institution which is to take whatever it takes absolutely as part of its general funds on the one hand, and declaring the purposes or objects for which the property is to be used on the other. He then referred to the argument urged on him based on the apparent necessity of distinguishing between a trust for the promotion of charitable or benevolent objects and a trust for division between a class of charitable or benevolent institutions, which he demolished with the observation about the Act's intended effect which I have already cited.

The next point which arises on s. 1 (1) is possibly the most difficult of all those which have been considered in the courts. When the Act speaks of " so describing . . . objects that, consistently with the terms of the provision, the property could be used exclusively for charitable purposes," etc., does it mean by " charitable purposes " purposes which are described by a specific reference to charity (e.g., " charitable

# A Christmas Message from

## THE VISCOUNT MACKINTOSH OF HALIFAX, D.L., LL.D.



"One of the greatest triumphs of our day and generation has been the increase in the expectation of life. People are now living on an average 20 years longer than they did at the beginning of the century. A wonderful achievement, but it brings with it problems and responsibilities for the housing and care of more ageing people.

It isn't much fun to live longer unless those added years can be lived in reasonable comfort. This is a national problem.

The Methodist people are in the forefront with their provision of homes for the aged. We shall soon have over 20 homes with accommodation for more than 600 people, but much remains to be done.

Please persuade your clients to help us – and so ensure for many old people many happy years to come."

*Please write for our Portfolio which is a handy reference for up-to-date information about Methodist Homes for the Aged.*

*General Secretary: Rev. R. J. CONNELL, B.A., B.D.*

# METHODIST HOMES FOR THE AGED

**1 Central Buildings, Westminster, London, S.W.1**

argument that "objects" in s. 1 (1) of the Act should be construed to include "institutions":—

> "This argument would have more weight with me if I knew what the Act was intended to achieve. If the Legislature considered that the old-established principle of law applied in [*Diplock's* case] led to results which were generally unsatisfactory, it would presumably have enacted that all gifts for the promotion of objects for the benefit of unascertainable bodies described by such adjectives as 'benevolent,' 'public,' 'philanthropic' or the like should henceforth be treated as equivalent to gifts for the promotion of charitable objects or the benefit of charitable institutions. But the Legislature has done no such thing. The Act leaves the law untouched for the future . . ."

But recent decisions on the Act have applied s. 1 to dispositions of property whose language is very different from the simple dichotomy of the trust for "charitable or benevolent purposes" of the *Diplock* case.

### Consideration of 1954 Act

With that by way of general introduction, I propose now to examine and comment on certain key expressions used in the Act, in the light of the decisions. It is useless to pretend that even the most devoted student of the law of charitable trusts will have the words of this Act in his mind, and I will therefore set down the broad effect of the subsections as I go along before examining the salient provisions in detail.

Section 1 (1) defines the expression "imperfect trust provision" as meaning any provision declaring the objects for which property is to be held or applied, and so describing those objects that, consistently with the terms of the provision, the property could be used exclusively for charitable purposes, but could nevertheless be used for purposes which are not charitable. Section 1 (2) then provides that any imperfect trust provision contained in an instrument taking effect before 16th December, 1952, shall have, and be deemed to have had, effect in relation to any disposition to which the Act applies, (*a*) as respects the period before the commencement of the Act, as if the whole of the declared objects were charitable, and (*b*) as respects the period after the commencement of the Act, as if the provision had required the property to be held or applied for the declared objects in so far only as they authorise use for charitable purposes. (The expression "disposition to which the Act applies" is explained in s. 2 of the Act; it does not affect what immediately follows.) It will be clear at once that, whatever else they comprehend, subss. (1) and (2) of s. 1 would have applied to the testator's will in the *Diplock* case, if the next of kin's rights, having been established before the Act came into force, had not been saved by s. 2: the gift to trustees for "charitable or benevolent purposes" would, consistently with the terms thereof, have entitled the trustees to apply the subject of the gift exclusively for charitable purposes (which is what they in fact did), but would nevertheless also have entitled them to apply it for benevolent purposes. If the rights of the next of kin in that case had not been saved, the distribution of the estate among the selected charities would have been deemed to have been made on the footing that the declared objects of the testator (charitable or benevolent) had been exclusively charitable. If, similarly, the trustees had not distributed the whole of the estate at the commencement of the Act, any part which they had retained would then have been held for the declared objects (charitable or benevolent) in so far only as such objects authorised use for charitable purposes—i.e., for charitable purposes, or for such benevolent purposes as were charitable.

### Imperfect trust provisions

This seems simple enough, but only because the case taken as an example of the operation of s. 1 is the simplest possible. It is, indeed, the archetype of cases intended to fall within the Act. At one time it was suggested that it was perhaps the only type of case to fall within the Act. In the *Gillingham* case, Romer, L.J., said ([1959] Ch., at p. 77):—

> "It may be that 'an imperfect trust provision' under s. 1 (1) of the Act is confined to cases where, among the declared objects for which property is to be held or applied, one at least is charitable; and that, accordingly, whilst a gift to 'charitable or benevolent' objects would be within the Act, a gift to 'philanthropic or benevolent' objects would not."

The point was not pursued in that case, it not being necessary to the decision.

The first of the expressions in subss. (1) and (2) of s. 1 which need comment is "imperfect trust provision." This is a phrase of definition merely, and must not be taken literally. "Imperfect" suggests invalidity. Of the trust in the *Diplock* case it could be said, indifferently, that (apart from this Act of course) it was invalid or imperfect. But there may be "imperfect trust provisions" as defined in s. 1 which are valid. Lord Evershed, M.R., gave as an example of such a provision (see *Harpur's* case [1961] 3 W.L.R., at p. 931) a gift upon trust to apply income during a limited period which does not offend the rule against perpetuities, e.g., ten years, for certain named purposes as the trustees think fit, some of the purposes being charitable and some being not charitable. Such a gift is valid apart from the Act, and yet it falls clearly within the definition of "imperfect trust provision." (I have mentioned this point here, as arising on the language of s. 1, but it is really a point on s. 2, which among other things saves from the consequences of s. 1 a disposition of property to be held for objects declared by an imperfect trust provision "where apart from this Act the disposition is invalid, but would be valid if the object was exclusively charitable"—difficult words, but which show clearly, in the words of Lord Evershed in the passage which I have already cited, that what is called "an imperfect trust provision" may nevertheless not be so imperfect as to be invalid.)

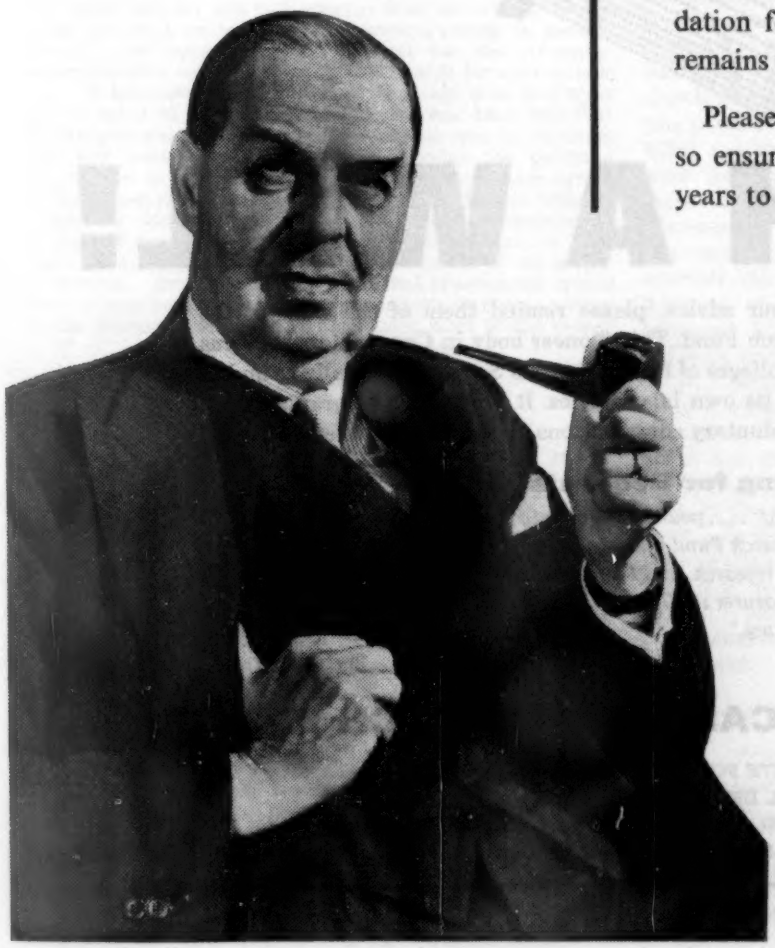
### "Objects" not inclusive of institutions

The next point is that "objects" does not include institutions. This has been clearly decided in *Harpur's* case, after having been the subject of some difference of judicial opinion in the *Gillingham* case. Cross, J., in *Harpur's* case drew attention ([1961] Ch., at p. 47) to the distinction which had been drawn in *Re Ogden* [1933] Ch. 678, between describing the character of the institution which is to take whatever it takes absolutely as part of its general funds on the one hand, and declaring the purposes or objects for which the property is to be used on the other. He then referred to the argument urged on him based on the apparent necessity of distinguishing between a trust for the promotion of charitable or benevolent objects and a trust for division between a class of charitable or benevolent institutions, which he demolished with the observation about the Act's intended effect which I have already cited.

The next point which arises on s. 1 (1) is possibly the most difficult of all those which have been considered in the courts. When the Act speaks of "so describing . . . objects that, consistently with the terms of the provision, the property could be used exclusively for charitable purposes," etc., does it mean by "charitable purposes" purposes which are described by a specific reference to charity (e.g., "charitable

# A Christmas Message from

## THE VISCOUNT MACKINTOSH OF HALIFAX, D.L., LL.D.



"One of the greatest triumphs of our day and generation has been the increase in the expectation of life. People are now living on an average 20 years longer than they did at the beginning of the century. A wonderful achievement, but it brings with it problems and responsibilities for the housing and care of more ageing people.

It isn't much fun to live longer unless those added years can be lived in reasonable comfort. This is a national problem.

The Methodist people are in the forefront with their provision of homes for the aged. We shall soon have over 20 homes with accommodation for more than 600 people, but much remains to be done.

Please persuade your clients to help us – and so ensure for many old people many happy years to come."

*Please write for our Portfolio which is a handy reference for up-to-date information about Methodist Homes for the Aged.*

*General Secretary: Rev: R. J. CONNELL, B.A., B.D.*

# METHODIST HOMES FOR THE AGED

**1 Central Buildings, Westminster, London, S.W.1**

# FIGHT CANCER


# WITH A WILL!

When testators ask your advice, please remind them of the work of the Imperial Cancer Research Fund. This pioneer body in Cancer Research was founded by the Royal Colleges of Physicians and Surgeons specially to undertake this vital work in its own laboratories. It has no official grants and is entirely supported by voluntary contributions. Please help us when you can.

**Suggested wording for Bequests**

*'I hereby bequeath the sum of ..... pounds free of duty to the Imperial Cancer Research Fund, Lincoln's Inn Fields, WC2 for the purpose of scientific research, and I direct that the receipt of the Honorary Treasurer shall be a good discharge for such legacy.'*

IMPERIAL CANCER RESEARCH FUND · LET THERE BE LIGHT ·

Patron:
Her Majesty The Queen

## IMPERIAL CANCER RESEARCH FUND

WRITE FOR FURTHER INFORMATION TO
A. DICKSON WRIGHT, ESQ., M.S. F.R.C.S.,
C.R.F. 63, IMPERIAL CANCER RESEARCH FUND
49 LINCOLN'S INN FIELDS, LONDON WC2

or benevolent"), or is it sufficient that the purposes should be stated in some compendious way which, while capable of including charitable purposes, makes no specific reference to charity (e.g., "public" purposes)? In the *Gillingham* case the relevant trust was for a "worthy cause" and it was argued that it fell within the Act. Harman, J. (as he then was), did not accept this argument; his view was that a specific reference to charitable purposes was required before s. 1 (1) could "bite" on it; he pointed out that if this argument was right, a gift for such objects as the donor's trustees should think fit would be validated by the Act—the vaguer the words were, the better they would be ([1958] Ch., at p. 906). In *Re Wykes*, however, Buckley, J., felt able to come to the conclusion that this part of Harman, J.'s decision was obiter, and to hold that a trust for (in substance) "welfare purposes" was validated by the Act. The *ratio* of this decision was that as the whole of the subject-matter of this trust could, consistently with the terms thereof, be applied for the relief of poverty in the specified class of persons, i.e., for charitable purposes, notwithstanding that it could also be applied for non-charitable purposes, the trust constituted an "imperfect trust provision." That decision has now been followed in *Re Mead*. As both the grounds for this decision and its consequences are neatly summarised in a passage from the judgment of Cross, J., in the last-mentioned case, I will cite it here:—

> "In [*Re Wykes*] the judge held that a gift of a fund to the directors of a company to be used at their discretion as a benevolent or welfare fund or for welfare purposes for the sole benefit of past, present and future employees of the company was within the Act, and took effect as from the commencement of the Act as a trust for the relief of poverty among the persons named. The operation which counsel for the Attorney-General invites me to perform on this trust is far more drastic . . . A benevolent or welfare fund is closely akin to a trust for the relief of poverty. If Mr. Wykes had been told that the form of words which he had chosen was open to objection and had been advised expressly to confine the potential beneficiaries to poor persons he would very likely have agreed without hesitation. In the same way the difference between a trust for charitable purposes and a trust for charitable or benevolent purposes, though very great in the law, is very small from the point of view of the intentions of the settlor or testator. But to confine the potential beneficiaries of this trust to poor members would almost certainly be clean contrary to the intentions of those who provided most of the money . . ."

Yet Cross, J., felt himself obliged to follow the decision in *Re Wykes*.

### Welfare purposes

I have not referred in detail to the trust in *Re Mead*; it is of no general interest, and difficult to summarise. It was referred to by Harman, L.J., in *Harpur's* case in disapproving terms, but in a passage which is clearly obiter ([1961] 3 W.L.R., at p. 935). This line of cases clearly has interesting potentialities. The effect of calling in the Act to confine the purposes of a trust for welfare purposes (to take that as a convenient illustration for the general observations which follow) to such welfare purposes as are charitable must be, as in *Re Wykes*, to reduce the number of potential beneficiaries. If that result then leads to a surplus of funds, the next step may be to apply for a scheme, under the new and greatly extended jurisdiction to direct the application of charitable funds cy-près, for the purpose of either extending the thus contracted class of potential beneficiaries, or enlarging the purposes. In the final result, the trust may well be altered out of all recognition. Because the decisions in *Re Wykes* and *Re Mead* seem to be so pregnant with possibilities, it would not be surprising if they were to be re-examined in the Court of Appeal on a suitable occasion. But the occasion should be sought before they acquire a momentum of their own.

### Validating "dispositions"

The last of the points of substance which have been made in the recent decisions on the Act is on s. 2 (3). Section 2 (1) provides that the Act applies to any disposition of property to be held for objects declared by an imperfect trust provision where, apart from the Act, the disposition is invalid but would be valid if the objects were exclusively charitable. (I have already mentioned this subsection.) Subsection (3) of s. 2 then goes on to provide that a disposition creating more than one interest in the same property shall be treated for the purposes of the Act as a separate disposition in relation to each of the interests created. The general effect of s. 2 is that it is the "disposition" which is validated (if, that is, it needs validation). The particular provision in s. 2 (3) is required to meet the case, e.g., where a life interest is created, followed by a division of the capital in shares, one such share being applicable for objects declared by an imperfect trust provision; it is only in relation to that share, then, that validation can occur. In the *Gillingham* case the declared objects of the appeal were two clearly non-charitable objects (the payment of the funeral expenses of the boys who were killed and the care of such as were disabled), and then the trust for "worthy causes" already mentioned. It was argued that in making a donation each donor created distinct "interests" in his donation in favour of each of the two non-charitable objects and the third object, this being an essential link in the argument for applying this Act to the donations so far as they were for "worthy causes." This argument did not succeed.

I hope that these notes (they are intended to be no more) on ss. 1 and 2 of the Act may be of some help. However small it may be, any contribution to a solution of the many difficulties inherent in this Act is welcome. The language apart, the structure of this measure seems so strange. If the main purpose of s. 2 was to put a gloss (a necessary gloss) on s. 1, the obvious place for such a gloss seems to be s. 1 itself. As Harman, L.J., said in *Harpur's* case, it is an odd state of things if Acts of Parliament are passed in such a form that it is necessary to amend one section by putting in a second. The practitioner's real consolation is that the circumstances which can bring the Act into operation are evanescent.

"A B C"

---

### SILK TO APPEAL

Mr. Victor Durand, Q.C., is to appeal against a three-year suspension from the Bar, imposed by Benchers of the Inner Temple on 22nd November, after finding him guilty of two charges of professional misconduct. Judges sitting as a domestic tribunal will be appointed by the Lord Chancellor to hear the appeal. On 23rd November Mr. Durand resigned as a deputy chairman of Warwickshire Quarter Sessions.

### COMPULSORY ACQUISITION OF LAND

The Acquisition of Land (Rate of Interest after Entry) (No. 2) Regulations, 1961 (S.I. 1961 No. 2280) reduce, as from 2nd December, 1961, from 7¼ to 6¼ per cent. the rate of interest payable on compensation in respect of land purchased compulsorily on which entry is made before the compensation is paid. The new rate applies to that part of the period between entry and the payment of compensation which falls on or after 2nd December.

# FIGHT CANCER


# WITH A WILL!

When testators ask your advice, please remind them of the work of the Imperial Cancer Research Fund. This pioneer body in Cancer Research was founded by the Royal Colleges of Physicians and Surgeons specially to undertake this vital work in its own laboratories. It has no official grants and is entirely supported by voluntary contributions. Please help us when you can.

**Suggested wording for Bequests**

*'I hereby bequeath the sum of ..... pounds free of duty to the Imperial Cancer Research Fund, Lincoln's Inn Fields, WC2 for the purpose of scientific research, and I direct that the receipt of the Honorary Treasurer shall be a good discharge for such legacy.'*

IMPERIAL CANCER RESEARCH FUND · LET THERE BE LIGHT ·

Patron:
Her Majesty The Queen

## IMPERIAL CANCER RESEARCH FUND

WRITE FOR FURTHER INFORMATION TO
A. DICKSON WRIGHT, ESQ., M.S. F.R.C.S.,
C.R.F. 63, IMPERIAL CANCER RESEARCH FUND
49 LINCOLN'S INN FIELDS, LONDON WC2

or benevolent"), or is it sufficient that the purposes should be stated in some compendious way which, while capable of including charitable purposes, makes no specific reference to charity (e.g., "public" purposes)? In the *Gillingham* case the relevant trust was for a "worthy cause" and it was argued that it fell within the Act. Harman, J. (as he then was), did not accept this argument; his view was that a specific reference to charitable purposes was required before s. 1 (1) could "bite" on it; he pointed out that if this argument was right, a gift for such objects as the donor's trustees should think fit would be validated by the Act—the vaguer the words were, the better they would be ([1958] Ch., at p. 906). In *Re Wykes*, however, Buckley, J., felt able to come to the conclusion that this part of Harman, J.'s decision was obiter, and to hold that a trust for (in substance) "welfare purposes" was validated by the Act. The *ratio* of this decision was that as the whole of the subject-matter of this trust could, consistently with the terms thereof, be applied for the relief of poverty in the specified class of persons, i.e., for charitable purposes, notwithstanding that it could also be applied for non-charitable purposes, the trust constituted an "imperfect trust provision." That decision has now been followed in *Re Mead*. As both the grounds for this decision and its consequences are neatly summarised in a passage from the judgment of Cross, J., in the last-mentioned case, I will cite it here:—

> "In [*Re Wykes*] the judge held that a gift of a fund to the directors of a company to be used at their discretion as a benevolent or welfare fund or for welfare purposes for the sole benefit of past, present and future employees of the company was within the Act, and took effect as from the commencement of the Act as a trust for the relief of poverty among the persons named. The operation which counsel for the Attorney-General invites me to perform on this trust is far more drastic . . . A benevolent or welfare fund is closely akin to a trust for the relief of poverty. If Mr. Wykes had been told that the form of words which he had chosen was open to objection and had been advised expressly to confine the potential beneficiaries to poor persons he would very likely have agreed without hesitation. In the same way the difference between a trust for charitable purposes and a trust for charitable or benevolent purposes, though very great in the law, is very small from the point of view of the intentions of the settlor or testator. But to confine the potential beneficiaries of this trust to poor members would almost certainly be clean contrary to the intentions of those who provided most of the money . . ."

Yet Cross, J., felt himself obliged to follow the decision in *Re Wykes*.

### Welfare purposes

I have not referred in detail to the trust in *Re Mead*; it is of no general interest, and difficult to summarise. It was referred to by Harman, L.J., in *Harpur's* case in disapproving terms, but in a passage which is clearly obiter ([1961] 3 W.L.R., at p. 935). This line of cases clearly has interesting potentialities. The effect of calling in the Act to confine the purposes of a trust for welfare purposes (to take that as a convenient illustration for the general observations which follow) to such welfare purposes as are charitable must be, as in *Re Wykes*, to reduce the number of potential beneficiaries. If that result then leads to a surplus of funds, the next step may be to apply for a scheme, under the new and greatly extended jurisdiction to direct the application of charitable funds cy-près, for the purpose of either extending the thus contracted class of potential beneficiaries, or enlarging the purposes. In the final result, the trust may well be altered out of all recognition. Because the decisions in *Re Wykes* and *Re Mead* seem to be so pregnant with possibilities, it would not be surprising if they were to be re-examined in the Court of Appeal on a suitable occasion. But the occasion should be sought before they acquire a momentum of their own.

### Validating "dispositions"

The last of the points of substance which have been made in the recent decisions on the Act is on s. 2 (3). Section 2 (1) provides that the Act applies to any disposition of property to be held for objects declared by an imperfect trust provision where, apart from the Act, the disposition is invalid but would be valid if the objects were exclusively charitable. (I have already mentioned this subsection.) Subsection (3) of s. 2 then goes on to provide that a disposition creating more than one interest in the same property shall be treated for the purposes of the Act as a separate disposition in relation to each of the interests created. The general effect of s. 2 is that it is the "disposition" which is validated (if, that is, it needs validation). The particular provision in s. 2 (3) is required to meet the case, e.g., where a life interest is created, followed by a division of the capital in shares, one such share being applicable for objects declared by an imperfect trust provision; it is only in relation to that share, then, that validation can occur. In the *Gillingham* case the declared objects of the appeal were two clearly non-charitable objects (the payment of the funeral expenses of the boys who were killed and the care of such as were disabled), and then the trust for "worthy causes" already mentioned. It was argued that in making a donation each donor created distinct "interests" in his donation in favour of each of the two non-charitable objects and the third object, this being an essential link in the argument for applying this Act to the donations so far as they were for "worthy causes." This argument did not succeed.

I hope that these notes (they are intended to be no more) on ss. 1 and 2 of the Act may be of some help. However small it may be, any contribution to a solution of the many difficulties inherent in this Act is welcome. The language apart, the structure of this measure seems so strange. If the main purpose of s. 2 was to put a gloss (a necessary gloss) on s. 1, the obvious place for such a gloss seems to be s. 1 itself. As Harman, L.J., said in *Harpur's* case, it is an odd state of things if Acts of Parliament are passed in such a form that it is necessary to amend one section by putting in a second. The practitioner's real consolation is that the circumstances which can bring the Act into operation are evanescent.

"A B C"

---

### SILK TO APPEAL

Mr. Victor Durand, Q.C., is to appeal against a three-year suspension from the Bar, imposed by Benchers of the Inner Temple on 22nd November, after finding him guilty of two charges of professional misconduct. Judges sitting as a domestic tribunal will be appointed by the Lord Chancellor to hear the appeal. On 23rd November Mr. Durand resigned as a deputy chairman of Warwickshire Quarter Sessions.

### COMPULSORY ACQUISITION OF LAND

The Acquisition of Land (Rate of Interest after Entry) (No. 2) Regulations, 1961 (S.I. 1961 No. 2280) reduce, as from 2nd December, 1961, from 7½ to 6¾ per cent. the rate of interest payable on compensation in respect of land purchased compulsorily on which entry is made before the compensation is paid. The new rate applies to that part of the period between entry and the payment of compensation which falls on or after 2nd December.

## Landlord and Tenant Notebook

# "THESE GHOSTS OF THE PAST"

IN *United Australia, Ltd.* v. *Barclays Bank, Ltd.* [1941] A.C. 1, the respondent bank had collected a cheque sent to the appellants endorsed by their secretary, who had then made it payable to a third party, whose account they had credited with the amount collected. The appellants commenced, but discontinued, proceedings for money lent or money had and received to their use against the third party, a company of which their secretary was a director and which had since gone into liquidation. They then sued the respondents for conversion of the cheque ("in these days every bank clerk sees the red light when a company's cheque is endorsed by a company's official into an account which is not the company's," as Lord Atkin said) and were met, successfully at first instance and in the Court of Appeal, by the defence that by suing the third party they had waived the tort. The appeal was allowed, and in his speech Lord Atkin gave us the following; "These fantastic resemblances of contracts invented in order to meet requirements of the law as to forms of action which have now disappeared should not in these days be allowed to affect actual rights. When these ghosts of the past stand in the path of justice, clanking their mediaeval chains, the proper course for the judge is to pass through them undeterred."

The appellants' leading counsel was A. T. Denning, K.C., and some years later, when adjudicating in *Warner* v. *Sampson* [1959] 1 Q.B. 297 (C.A.), Lord Denning (as he then had become) was happy to follow what he called the spiritual advice given by Lord Atkin in *United Australia, Ltd.* v. *Barclays Bank, Ltd.* Allowing an appeal by a tenant who was held to have lost his tenancy by disclaiming or repudiating his landlord's title, the alleged disclaimer being found in a general traverse in an action based on alleged breaches of repairing covenants and the lease having some forty years to run, Lord Denning traced the history of forfeiture by matter of record, which had begun in feudal times, being mentioned in Glanville's treatise of about 1187, and being based on the fealty owed by a tenant to his lord. Instances were reported at intervals up to 1590; and then nothing was heard of the phenomenon till 1935. And "all the circumstances which gave rise to this mediaeval law have now disappeared; and with their passing the old law has gone, too. A tenant for years does not owe homage to his landlord. He does not take an oath of fealty. He is under no duty to defend the interest of the reversioner. His rights and duties are defined by the lease . . ." So "when these old feudal rules are brought up to exact a penalty for an innocent plea of this kind, I call to mind the words of Lord Atkin in *United Australia, Ltd.* v. *Barclays Bank, Ltd.*: 'When these ghosts of the past stand in the path of justice . . .'"

### Innocuous ghosts

The pronouncement does not exclude the possible existence of ghosts of the past which cannot be said to stand in the path of justice. Two examples may be suggested. The Northern Ireland Legislature not having followed the example of that of Great Britain in enacting the Law Reform (Contributory Negligence) Act, 1945, MacDermott, J., trying the case of *Ross* v. *McQueen* [1947] N.I. 81, was confronted with the delicate task of deciding whether an injured pedestrian or the rider of the motor-cycle which had injured him, both being negligent, had had the "last chance" of avoiding the accident; and observed in his judgment that the principle was perhaps better suited to a more leisurely pre-motoring age: "The donkey in *Davies* v. *Mann* (1842), 10 M. & W. 546, died over a century ago but its ghost rallies yet to the aid of those, particularly pedestrians, who suffer in street accidents." There is, no doubt, a suggestion that that ghost ought to be laid in the interest of justice, but the learned judge does not appear to have felt very strongly about it.

My other example comes from a Rent Act case. In *Oak Property Co., Ltd.* v. *Chapman* [1947] K.B. 886, the Court of Appeal had occasion to decide that the "subtenant" of part of premises comprised in a "statutory tenancy" was entitled to the protection of the Increase of Rent, etc., Restrictions Act, 1920, s. 15 (3). The objections to the use of the expression "statutory tenancy" include, of course, the one that it is not a tenancy at all, no estate in land being conferred; and this will account for Somervell, L.J.'s: "The question . . . is whether the subtenant, however spectral her interest in the property by virtue of this contract of subtenancy, can properly be described as a subtenant to whom the premises had been lawfully sublet within the meaning—the somewhat artificial meaning—of s. 15 (3) of the Act of 1920."

If neither MacDermott, J., nor Somervell, L.J., contemplated the advisability of passing through ghost or ignoring spectre, it may be because they did not consider that the path of justice was being obstructed. It may also be, of course, that they did not regard the passing through undeterred as the proper course; a point to which I shall revert later.

### Respect

It can perhaps, hardly be said that the ghosts featured in the case of *Sudan Government* v. *Abdullah Mukhtar Nur* [1959] S.L.J.R. 1 (a trial for murder mentioned in one of our articles on Oversea Influence of English Law, p. 903, *ante*), stood in the path of justice; but the decision is worth mentioning not only because the ghost in question was or was deemed to be tangible, and not, as are our own variety, merely visible and audible, but also because, as our contributor pointed out, by applying the *mens rea* rule the court held that a genuine belief that the deceased was a ghost was a good defence to the charge. As regards audibility, incidentally, it is interesting to note that the deceased's failure to answer caused the accused to believe, or strengthened his impression that, he was dealing with a ghost. More remarkable still, the ghost was considered mortal. (One may wonder what the defendant would make of the "When I was mortal, my anointed body By thee was punched full of deadly holes," spoken by the ghost of King Henry VI in King Richard III, Act V, Scene III). It cannot, however, be said to have confronted the Judicature, so I will pass on to consider what other reaction is possible when an undesirable ghost of the past stands in the path of justice.

### Evasive action

The history of the law of landlord and tenant shows that a number of old and outmoded principles have been slowly but surely modified by the courts. Take fixtures. *Quicquid solo plantatur, solo cedit.* The principle was recognised as part of our law as long ago as the fourteenth century, in

*Continued on page* 1047

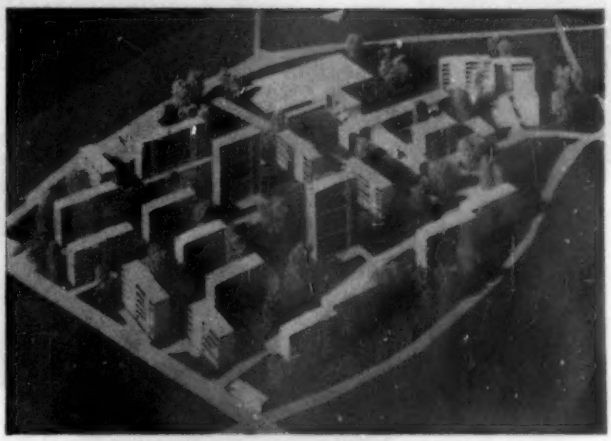
# YOUR HELP IS URGENTLY NEEDED

**This Shed is their Home**

for Refugees who do not come under the United Nations here and abroad, especially those who fought with us during the war. These allies were put into Labour Corps at the Armistice and forgotten after the Peace Treaties. They now find themselves abandoned and Refugees. *These facts are not generally known.* £300 to £500 will resettle them in a house, with work for a family. The rest of the money is found by the Federal, Provincial and Municipal Governments in Austria and Germany.

PLEASE HELP US to re-establish more by a donation or legacy to buy a brick, room, a Flat or Home and so establish them in their new Homeland.

**Please help us to take them to this New Village**



## Children & Families World Community Chest

39 Cadogan Place, S.W.1

Tel: BELgravia 4705

**President: the Rt. Hon. Lord Mountevans**

**Chairman: Mrs. Eden**

**Treasurer: Wing-Cmdr. Cormody**

## Was there a Flyer in your family during the war?

Ask him about the RAF Escaping Society. And he will tell you that it is the Society that never forgets those gallant people of France, Belgium, and other occupied countries who risked torture and death to shelter our airmen and help them to escape to continue their fight for our freedom.

After the war the RAF Escaping Society tried to trace these brave people. Many were untraceable—the Gestapo had seen to that. But 4,000 were found, many maimed in body and mind as a result of there sufferings in concentration camps, some widowed, others orphaned or destitute.

They helped our flyers then—many are receiving help from the RAF Escaping Society now. We need your help to continue this work of grateful reparation.

Please send donations to:

**R.A.F. Escaping Society**

(Registered under the War Charities Act, 1940)

ROOM 10, 70 WIMPLE STREET, LONDON, W.1

## THE BRITISH VIGILANCE ASSOCIATION

*(Founded 1885)*

Acts as a GOOD NEIGHBOUR to thousands of young folk who come to Britain each year.

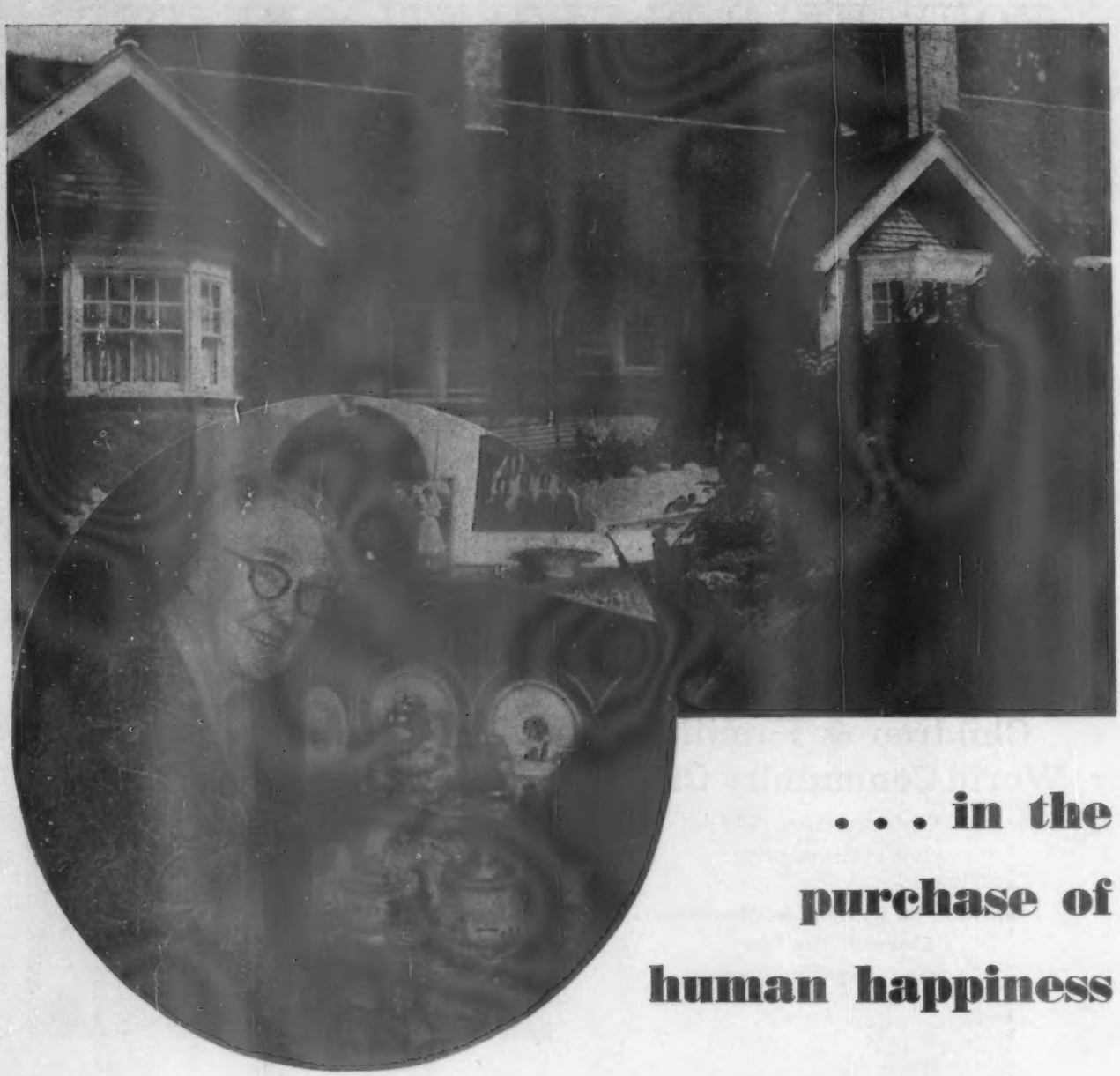
Many of these are friendless in a foreign land and rely on us for aid and protection.

YOUR gift will help us to carry on:

TRAVELLERS' AID work at stations and ports.
ADVISORY SERVICES to find sound jobs and homes.
WELFARE AND HOSPITALITY for lonely young people.

**Please send your donation to General Secretary, B.V.A.**
**17a KING'S ROAD, LONDON, S.W.3.**

# Never was money more wisely used . . .



## . . . in the purchase of human happiness

The Cottage Homes provides assistance of the most practical kind for retired members of the distributive side of the textile trades. Men and women who have spent their working lives in shops, stores and warehouses (in many cases "living-in" in strange towns, and therefore unable to put down permanent roots) often find themselves faced in old age with a bleak retirement. We offer homes—real homes—rent and rates free, on one of our estates, to those unable to provide their own. We send cash, clothes, coal and other aid to needy people who are able to go on living in their own homes.

On our estates in London and Derby, single men and women are housed in flats, married couples in cottages, with their own furniture and personal treasures in normal "village" surroundings which form part of the general community. There is no "institutional" atmosphere, but there are nursing cottage facilities for those who need extra care in their old age. We are now extending to Scotland, and for this and other work we are in urgent need of donations and bequests. We think there is no charity where the conversion of money to human happiness is more direct, economical, or satisfying to both giver and beneficiary.

*Enquiries welcomed; particulars from:*

**DONALD CAVE, SECRETARY, THE COTTAGE HOMES, MARSHALL ESTATE, HAMMERS LANE, MILL HILL, LONDON, N.W.7.**

# CHARITABLE ORGANISATIONS

## WHICH MAKE THEIR APPEALS IN THIS JOURNAL

### A

**Ada Cole Memorial Stables,** 5 Bloomsbury Square, W.C.1. Help urgently needed for the rescue of aged, unfit and ill-treated horses, ponies and donkeys.

**Animal Health Trust, The,** 14 Ashley Place, London, S.W.1. The Trust works ceaselessly to find by means of research the causes of, and cures for, disease in domesticated animals of all kinds, and is supported entirely by voluntary contributions.

**Army Benevolent Fund,** 20 Grosvenor Place, London, S.W.1. Instituted to secure more efficient aid and support for military charities. Nearly £2,500,000 has already been allocated in grants to these funds.

**Association of Retired Naval Officers,** 117A Fulham Road, S.W.3. Founded 1925, as an organisation for mutual help amongst retired regular officers of the R.N. and R.M. The A.R.N.O. Charitable Trust was founded in 1933 to relieve poverty or distress among such officers, their families and dependants, to maintain an Employment Bureau and to make grants for education. Funds come from donations, covenanted subscriptions and legacies.

### B

**Bible Lands Mission Aid Society, The,** 230AE Coastal Chambers, 172 Buckingham Palace Road, S.W.1. The only society supporting missionary and relief work in the lands of the Bible. Missions receive grants: special funds are opened for victims of earthquake and similar catastrophes in the lands of the Bible.

**Bow Mission,** 3 Merchant Street, London, E.3. Maintains a Home of Rest for sick, convalescent and needy old folk. Work includes provision of Christmas cheer, country holidays for children and old folk.

**Boy Scouts Association,** 25 Buckingham Palace Road, London, S.W.1. For over half a century this voluntary movement has provided character training for boys and young men from 8 to 23 years. United Kingdom membership over 580,000. World membership 9,000,000.

**Bristol Hospitals Fund (Inc.), The,** Royal London Buildings, 42 Baldwin Street, Bristol, 1. A Trust Corporation acting as the central fund for amenities for hospital patients, medical research and medical charities in the West of England.

**British and Foreign Bible Society,** 146 Queen Victoria Street, London, E.C.4. Exists for the wider circulation of the Holy Scriptures without note or comment. In this enterprise it unites Christians of almost every communion.

**British Council for Rehabilitation of the Disabled, The,** Tavistock House (South), Tavistock Square, London, W.C.1, is concerned with all aspects of physical and mental disability. Provides a Training Bureau for between 800 and 1,000 patients per annum who are trained for a resumption of work in industry and commerce. Engages in research and conferences in the whole field of rehabilitation.

**British Diabetic Association, The,** 152 Harley Street, London, W.1. Money is urgently needed for diabetic research and for helping elderly and child diabetics. Please assist the British Diabetic Association in this good work.

**British Epilepsy Association, The,** 27 Nassau Street, London, W.1, seeks to help some of the country's 250,000 epileptics to deal with their social problems; educates the public; runs courses for Disablement Resettlement Officers, social workers, health visitors and welfare officers; and sponsors research into the condition. Neither the BEpA nor its 36 clubs and branches receives government grants.

**British Home and Hospital for Incurables,** Streatham, S.W.16. Provides the benefits of home life and treatment to 100 incurable invalids at Streatham, and also provides life pensions for 100 others able to be with friends or relatives.

**British Legion,** Pall Mall, London, S.W.1. Finances the British Legion's welfare, benevolent and rehabilitation work among ex-Servicemen and women of ALL ranks, ALL Services, ALL wars, and their dependants.

**British Limbless Ex-Service Men's Association,** Midland Bank Limited, 89 Charterhouse Street, E.C.1. Provides assistance to all limbless ex-Service men in all matters connected with welfare and employment.

**British Red Cross Society,** 14 Grosvenor Crescent, London, S.W.1. Part of a world wide organisation which has over 127,000,000 members in 84 countries. Takes no account of race, creed or political consideration; it is a power for good in a troubled world.

**British Rheumatism and Arthritis Association,** 11 Beaumont Street, London, W.1. Established 1947. To help all those suffering from rheumatism and arthritis by giving information, advice and practical aid. To promote the welfare of the needy. To publicise the necessity for early treatment and to press for improved facilities for diagnosis and treatment.

**British Sailors' Society,** 680 Commercial Road, London, E.14. Maintains Residential Clubs and Canteens in ports around coasts of United Kingdom and Eire, and overseas. Assistance for sailors and families.

**British Union for the Abolition of Vivisection, Inc.,** 47 Whitehall, S.W.1. To obtain the prohibition of all experiments upon living animals now being performed under the Cruelty to Animals Act, 1876.

**British Vigilance Association, The,** 17A Kings Road, London, S.W.3, is actively concerned with the welfare of young people coming to work in Britain from the Continent of Europe. It helps to maintain a kiosk at Victoria Station and Travellers' Aid work at other London termini. It also provides an enquiry service to advise on suitable jobs and homes for young folk from abroad and to find educational and welfare facilities for these.

### C

**Caxton Convalescent Home,** 1 Gough Square, London, E.C.4. For men and women over 15. Convalescent Home for the Printing and Kindred Trades situated at Limpsfield, Oxted, Surrey.

**Central Council for the Care of Cripples,** 34 Eccleston Square, London, S.W.1. A national voluntary organisation founded to protect the interests of all who are crippled.

**Charterhouse Rheumatism Clinic,** 54/60 Weymouth Street, London, W.1, and Birdhurst Road, South Croydon. Diagnosis and treatment, the welfare of the patient and research. Patients pay according to their means. Relies on donations and legacies to cover loss.

**Children's Aid Society,** 55(K) Leigham Court Road, London, S.W.16. Seeks to give a chance in life to the neglected and unwanted child. The society is doing important and far-reaching work in placing children in happy homes.

**Children and Families World Community Chest,** 39 Cadogan Place, S.W.1. This organisation works for all the refugees who fought with us during the last war and were put into labour corps at the armistice and after the peace treaty forgotten when the camps were closed to them. Thousands are left in Germany and Austria and many thousands of relations behind the iron curtain receive annual help.

**Christian Action,** 2 Amen Court, E.C.4. Exists to stimulate Christians of all denominations, and others who respect the teaching of Christ, to understand the bearing of the Gospel principles on the problems of society, and then, both individually and corporately, to work for the application of those principles in local, national and international life.

**Church Army,** 55 Bryanston Street, London, W.1. Carries on a great programme of evangelistic and social work which meets almost every phase of human need from babyhood to old age.

**Church Missionary Society,** 6 Salisbury Square, London, E.C.4. Carries the Gospel to the non-Christian world. Helps to spread Christian education in Africa and the East. Is the largest medical missionary venture.

**Church of England Soldiers', Sailors' and Airmen's Clubs,** 537 Grand Buildings, Trafalgar Square, W.C.2. Provide refreshments, comforts, recreation and rest to all denominations of the three Services, overseas and in garrisons at home. Funds urgently needed for new clubs.

**Clapton Mission,** 65 Elderfield Road, London, E.5. Provides holiday accommodation for old-age pensioners, convalescents and children from East London.

**Clergy Orphan Corporation,** 5 Verulam Buildings, Gray's Inn, W.C.1. Founded over 200 years ago to maintain, educate and clothe fatherless children of the clergy of the Church of England and the Church in Wales.

**Commonwealth Society for the Deaf, The,** 31 Gloucester Place, W.1. The society seeks to provide teachers, scholarships, training centres, hearing aid equipment and other services and facilities for the deaf throughout the Commonwealth countries.

**Cottage Homes, The,** Marshall Estate, Hammers Lane, Mill Hill, N.W.7. Provides assistance of the most practical kind for retired members of the distribution side of the textile trades.

**Council of Justice to Animals and Humane Slaughter Association,** 42 Old Bond Street, W.1. Promotion of humane methods of slaughter. Introduction of reforms in slaughterhouses and cattlemarkets.

**Cripples Help Society (Manchester, Salford and North-West England),** 5 Cross Street, Manchester, 2. A voluntary society engaged in work for the welfare of the physically handicapped and disabled.

**Crusade of Rescue, The,** 73 St. Charles Square, Ladbroke Grove, W.10. Was formed in 1859 and provides a home and education for deprived Catholic Children.

### D

**Distressed Gentlefolk's Aid Association,** Vicarage Gate House, London, W.8. For the relief of British gentlepeople in distress. Makes weekly grants to over 300 pensioners, mostly aged and infirm.

**Dockland Settlements,** (H.Q. office) 164 Romford Road, Stratford, E.15. A voluntary organisation concerned with the mental, physical and spiritual welfare of those living in the Dockside and Industrial areas. Undertakes educational, recreational and religious activities, and organises clubs for all ages and both sexes, from young children and adolescents to Old Age Pensioners. Holiday Home for the needy at Herne Bay, Kent.

**Dr. Barnardo's Homes,** Barnardo House, Stepney Causeway, London, E.1. Supports 7,000 boys and girls. Over 141,000 children rescued in 86 years. No destitute child ever refused admission.

E

**Edwina Mountbatten Trust,** 2 Kinnerton Street, S.W.1, founded in memory of Lady Mountbatten to carry on her work. The objects of the Trust are the relief of sick, distressed and needy children through The Save the Children Fund, the expansion of The St. John Ambulance Brigade and the promotion and improvement of the art of nursing, throughout the world.

**Empire Rheumatism Council,** Faraday House (N.4), Charing Cross Road, W.C.2. To organise research into the causes and means of treatment of rheumatism, arthritis, fibrositis and allied diseases.

**Ex-Services Mental Welfare Society,** 37-39 Thurloe Street, London, S.W.7. The *only* voluntary *specialist* organisation supplementing the work of the State, exclusively for men and women of H.M. Forces.

F

**Family Service Units,** 207 Marylebone Road, N.W.1. Exists to prevent the break-up of the home with its unavoidable damage to the children and cost to the community. The first step is to establish friendly contact with the parents and win their confidence. The worker must find out what has gone wrong and help in whatever way is best to restore self-respect and independence.

**Family Welfare Association,** 296 Vauxhall Bridge Road, S.W.1. Provides a service of advice and guidance in personal and family problems. Initiates and conducts research in social problems, particularly affecting family life.

**Fellowship Houses Trust,** Clock House, Byfleet, Surrey. A Charitable Trust and Housing Association founded in 1937 to provide guest houses and flatlets for aged people of both sexes including married couples of low income.

**Florence Nightingale Hospital,** 19 Lisson Grove, London, N.W.1. Provides medical and surgical treatment for ladies of limited means and those of the professional classes. The hospital is neither controlled nor supported by the State.

**Forces Help Society and Lord Robert Workshops,** 122 Brompton Road, S.W.3, provide advice and assistance to Service and ex-Servicemen and women, Cottage, Convalescent and Retirement Homes, and training and employment for disabled ex-Servicemen in various crafts.

**Friend of the Clergy Corporation,** 15 Henrietta Street, London, W.C.2. Provides permanent pensions for elderly widows and orphan maiden daughters of the clergy in straightened circumstances.

**Friends of the Poor & Gentlefolk's Help,** 42 Ebury Street, London, S.W.1. Assistance given to all classes in distress. Gentlefolk's Help provides Homes for elderly gentlepeople and gives pensions.

**Fund for Human Need,** 34 Eatonville Road, S.W.17. To assist the hungry and under-privileged peoples of the world, without regard for politics, race, colour or creed. Affiliated to the Freedom from Hunger Campaign United Kingdom Committee.

G

**Gentlewomen's Work and Help Society (Inc.),** 1 Ridgefield, King Street, Manchester, 2. Helps gentlewomen of all ages resident in all parts of the British Isles.

**Greater London Fund for the Blind (incorporating United Appeal for the Blind),** 2 Wyndham Place, London, W.1. The central organisation in London raising money for societies and associations engaging in services to the civilian blind.

**Grenfell Association of Great Britain and Ireland,** Hope House, Great Peter Street, S.W.1. Over sixty years ago Wilfred Grenfell discovered that no medical or social service existed for the fishermen living along the remote and sub-arctic coast of Labrador and Northern Newfoundland. He spent forty-three years among the fishermen and to-day the Mission maintains 4 hospitals and a sanatorium, 12 nursing stations, 1 children's home, 2 boarding schools, 1 day school, 1 supply vessel, hospital ships, aircraft and agricultural and Grenfell industries at all stations.

**Guild of Aid for Gentlepeople,** 280A Earls Court Road, London, S.W.5. Gives help by regular allowances, and in emergencies, to men and women of gentle birth, too old or too infirm to support themselves.

H

**Haemophilia Society, The,** 94 Southwark Bridge Road, London, S.E.1. To provide a fellowship for haemophilics, to give advice on their problems and to safeguard their social and economic interests. To promote the study of the cases and treatment of haemophilia and similar conditions.

**Harrison Homes,** 49 St. James's Gardens, London, W.11. Founded in 1869. Eighteen Homes maintained for elderly people who have spent their lives in the service of others. Residents each have their own room, provide their own furniture and live independently. This Charity depends on voluntary subscriptions and legacies for the continuation of the work.

**Historic Churches Preservation Trust,** Fulham Palace, S.W.6. The Trust has been created to save England's unique heritage of ancient and beautiful churches from falling into decay and ruin by raising and administering funds for their preservation. An authoritative commission has estimated that £100,000 a year extra must be found to supplement what the parishes can do themselves, for many hundreds of ancient churches are at present in urgent need of repair.

**Home of Rest for Horses,** Westcroft Stables, Boreham Wood, Herts. To enable the poorer classes to procure rest and skilled treatment for their ponies and donkeys when such care is needed.

**Homes of Rest for Gentlewomen,** 26 Warwick Road, London, S.W.5. Maintains residential Homes in Cheltenham, Clevedon and Southbourne for elderly gentlewomen with incomes under £300 per annum. Nursing Fund to care for residents too infirm or ill to remain in the Homes.

**Homes of St. Barnabas,** Dormans, Lingfield, Surrey. Permanent homes for forty-five retired clergy, with Resident Matron and Nursing Staff.

**Homes for Working Boys in London,** 15 Champion Hill, S.E.5. Homes in the charge of wardens and matrons maintained for homeless boys, 16 to 21 years of age, from all parts of the country, in work or requiring work in London.

**Hostel of God, The,** Clapham Common, S.W.4. Seventy-five beds. The sole purpose of this independent hospital is the care (without charge) of those who are in the very last stages of a fatal disease (97% cancer).

I

**Imperial Cancer Research Fund,** Royal College of Surgeons of England, Lincoln's Inn Fields, London, W.C.2. A centre for research and information on cancer and carries on continuous and systematic investigations.

**Infantile Paralysis Fellowship,** Rugby Chambers, Great James Street, W.C.1. To associate in fellowship sufferers from poliomyelitis; to find means of training members to be self-supporting; to alleviate the loneliness of friendless sufferers and to bring those who need advice or assistance into contact with available sources of help and to encourage and support polio research.

**Institute of Cancer Research: Royal Cancer Hospital,** Fulham Road, London, S.W.3. Intensive research is carried out in the Institute's own laboratories. The Institute is not nationalised and can accept legacies.

J

**John Groom's Crippleage,** 37 Sekforde Street, London, E.C.1. Trains and employs crippled women and girls in high-class artificial flower making. Accommodation provided in homely hostels.

**Junius S. Morgan Benevolent Fund,** 15 Buckingham Street, London, W.C.2. Founded in 1890 to afford relief to Nurses in distress through age or infirmity.

K

**King George's Fund for Sailors,** 1 Chesham Street, S.W.1. General Secretary: Captain Stuart H. Paton, C.B.E., R.N. The Central Fund for the Benevolent Societies which assist all seafarers, past and present, of the Royal Navy, Merchant Navy and Fishing Fleets. Since the War the Fund has allocated 4 million pounds to over 120 Societies.

L

**League Against Cruel Sports, The,** 58 Maddox Street, London, W.1. The leading society which campaigns for better treatment for wild animals.

**Lifeline (Adoption Committee),** 67A Camden High Street, N.W.1. Aims to rehabilitate and resettle the Displaced Persons left behind in Germany after the War, by giving them tools for a trade, technical training and a home of their own."

**London Association for the Blind,** 88/92 Peckham Road, London, S.E.15. A Voluntary Organisation helping the blind in both London and the Provinces. Training and employment; homes and hostels; self-contained flats; benevolent and pensions fund.

**London City Mission,** 6 Eccleston Street, London, S.W.1. Maintains 200 missionaries in door-to-door visitations, etc. Mission Halls in many parts of London. Has holiday home for its own workers.

**London Council of Social Service,** 4 Gower Street, W.C.1. The Council is a central consultative and advisory body on social service, and co-ordinates the activities of voluntary bodies. It aims to promote additional services for the community and to provide research and specialist facilities for those engaged in social work. General Secretary: Miss K. Proud.

**London Police Court Mission, The,** 2 Hobart Place, London, S.W.1. Is responsible for a home and a hostel for boys on probation, three similar hostels for girls on probation, two hostels for destitute women and girls, a home for unmarried mothers and their babies, and a home for children who have been ill-treated or criminally assaulted.

**London Solicitors and Families Association, The,** "Maesgwyn," Glaziers Lane, Normandy, Surrey. Financial relief for necessitous members and their families and dependent relatives of deceased members, and necessitous solicitors not members.

M

**Marie Curie Memorial Foundation,** 124 Sloane Street, S.W.1. Established 1948. Is a voluntary organisation covering all the problems associated with cancer, and has helped many thousands of cancer sufferers through its 5 residential Homes and nation-wide welfare and relief services. This year 3 new Homes will, between them, provide nearly 200 more beds. The Foundation's Homes are the only ones in this country opened specially for cancer patients.

**Mental Health National Appeal** supports the National Association for Mental Health and the Mental Health Research Fund, 8 Wimpole Street, London, W.1. The former provides training and residential services for the mentally disordered, advisory facilities and a public information service. The latter finances and stimulates research into all types of mental illness and mental handicap. Both are voluntary organisations supporting and supplementing the work of the National Health Service.

**Methodist Homes for the Aged,** 1 Central Buildings, London, S.W.1. Maintains 11 large Methodist Homes which are homes in the warmest and fullest sense of the word. Present accommodation is for 250 residents.

**Methodist Ministers Housing Society, Ltd.,** 1 Central Buildings, London, S.W.1. This Society has been officially appointed by the Methodist Conference to take responsibility for providing suitable housing accommodation on retirement for supernumerary Methodist Ministers, and for Minister's widows, at rents which they can afford from their slender pensions.

**Methodist Missionary Society,** 25 Marylebone Road, London, N.W.1. Founded 1786. For the work of world Evangelism through preaching, teaching and healing.

**Miss Sheppard's Annuitants' Homes,** 12 Lansdowne Walk, London, W.11. To give a real home to gentlewomen in good health, over 60 on entry, with small assured incomes.

**Miss Smallwood's Society,** Lancaster House, Malvern. Assists ladies in poor circumstances without distinction of creed by monthly pensions. Has monthly pension list of over 390. Gives grants in deserving cases.

**Mission to Lepers,** 7 Bloomsbury Square, London, W.C.1. Controls or aids 129 centres for sufferers from leprosy and healthy children of parents with leprosy and provides Christian teaching at several public leprosy centres.

**Missions to Seamen,** 4 Buckingham Palace Gardens, London, S.W.1. Maintains 85 stations at home and overseas with port staff. Institutes and launches. All seamen welcomed.

**Moravian Missions,** 32 Great Ormond Street, London, W.C.1. Oldest to heathen, first to Jews, first to send out medical missionaries, first to lepers.

**Multiple Sclerosis Society,** 10 Stratford Road, London, W.8. The Society co-operates with the medical profession to encourage research into the cause and cure of Multiple (Disseminated) Sclerosis, and establishes Research Fellowships in Multiple Sclerosis and Allied Nervous Diseases. Through its many branches it promotes the help and welfare of those who have Multiple Sclerosis.

**Muscular Dystrophy Group, The,** 26 Borough High Street, London, S.E.1, devotes funds to medical research. In its worst form this muscle-wasting disease, at present incurable, causes death before adulthood is reached: its milder forms can be severely crippling. Doctors believe that expanded research could be the means of saving thousands of lives.

**Musicians' Benevolent Fund,** St. Cecilia's House, 7 Carlos Place, London, W.1. Disburses thousands of pounds annually to unemployed, sick and aged professional musicians. Also maintains a beautiful convalescent Home at Westgate-on-Sea, Kent.

N

**National Anti-Vivisection Society, The,** 27 Palace Street, S.W.1. Draws public attention to fully authenticated instances of painful experiments on living animals; advocates prohibition by law of all scientific experiments on animals calculated to cause pain. Branches throughout England.

**National Association of Boys Clubs,** 17 Bedford Square, London, W.C.1. A voluntary organisation which helps boys to become decent men by means of the Club Method. Imaginative courses provided for adult leaders, helpers and boys.

**National Association for the Paralysed,** 1 York Street, Baker Street, London, W.1. To promote and further the interests of the paralysed by passing on information essential to their well-being, including technical information, suggestions as to the best means of overcoming particular disabilities, and advice on benefits and help available from Government Departments, local authorities and voluntary organisations.

**National Canine Defence League,** 10 Seymour Street, London, W.1. Maintains animal clinics with full hospital service. Provides homes for unwanted dogs, veterinary aid for working sheepdogs, dog licences for the blind, disabled and aged.

**National Children's Home,** Highbury Park, London, N.5. Helps children deprived of a normal home life. Forty branches. Over 3,000 girls and boys cared for and nearly 36,000 benefited.

**National Library for the Blind,** 35 Gt. Smith Street, London, S.W.1. The library possesses 289,985 volumes in embossed type and is free to blind readers. 1,500 volumes issued daily by post.

**National Playing Fields Association, The,** 71 Eccleston Square, London, S.W.1. Since its inauguration in 1925 it has distributed £1,349,435 thus helping to provide playing fields and children's playgrounds for all sections of the community.

**National Society for the Abolition of Cruel Sports,** 7 Lloyd Square, London, W.C.1. To educate public opinion to demand the legal prohibition of the hunting and coursing of wild animals; and ultimately for the total abolition of the killing of animals and birds for sport.

**National Society for Cancer Relief,** 47 Victoria Street, London, S.W.1. Assists poor persons suffering from cancer and those needing nursing or other special facilities. Provides blankets, clothing, fuel for patients.

**National Society for the Prevention of Cruelty to Children,** Victory House, Leicester Square, London, W.C.2. Saves children from mental and physical ill-treatment and neglect. The Society also advises and helps parents concerning problems that have arisen in regard to their children's well-being.

**National Spastics Society, The,** 12 Park Crescent, London, W.1. The objects of the Society are to promote facilities for the treatment, education and vocational training of spastics, who are crippled as a result of injury to brain tissues before, during or after birth. In order to meet the desperate needs of spastics, among whom there are about 10,000 children, it seeks within the limits of its income to establish clinics, schools and sheltered workshops.

**National Sunday School Union,** Central Hall Buildings, Durnsford Road, London, S.W.19. A great Christian organisation which unites and serves the Churches of all denominations. It concentrates its efforts on providing leadership and help in the moral and spiritual training of young people.

**National Trust for Places of Historic Interest or Natural Beauty,** 42 Queen Anne's Gate, London, S.W.1. Under special Acts acquires and holds inalienably for benefit of nation lands and buildings of interest or beauty. Special obligations to preserve animal and plant life.

**Nurses Memorial to King Edward VII,** 15 Buckingham Street, Strand, London, W.C.2. A voluntary organisation founded in 1912 to provide a home or homes for elderly retired nurses.

**Nurses,** see Junius S. Morgan Benevolent Fund.

O

**Oxford Committee for Famine Relief,** 17 Broad Street, Oxford. Collects money and clothing and re-distributes where needs are greatest, on a non-sectarian basis. Also accepts effects of any kind for sale in gift shop.

P

**People's Dispensary for Sick Animals,** P.D.S.A. House, Clifford Street, London, W.1. Established to provide free treatment for sick and injured animals of the poor through its 80 dispensaries, 11 hospitals and 18 caravan dispensaries and 14 ambulances in the United Kingdom and Overseas.

**Professional Classes Aid Council,** 10 St. Christophers Place, London, W.1. Relief of distress amongst professional classes and their dependants resulting from causes beyond individual control.

Q

**Queen Elizabeth's Training College for the Disabled,** Leatherhead, Surrey. To train physically disabled persons for absorption into normal industry.

**Queen Victoria Clergy Fund,** Church House, Dean's Yard, London, S.W.1. Relieves the intolerable financial burden of the clergy of the Church of England by making annual block grants to the dioceses.

R

**R.A.F. Escaping Society,** Room 10, 70 Wimpole Street, W.1. Helps those gallant people of France, Belgium and other occupied countries who risked torture and death to shelter our airmen and help them to escape to continue their fight for our freedom.

**Reedham School,** Purley, Surrey. Maintains and educates 250 needy children. Boys and girls are received from early infancy until 11 years and retained until 16. They are admitted by presentation, purchase or election.

**Reed's School, London Orphan School and Royal British Orphan School,** 32 Queen Victoria Street, London, E.C.4. Boarding school for fatherless children. Secondary Grammar School education.

**Rheumatism,** see British Rheumatism and Arthritis Association. Charterhouse Rheumatism Clinic and Empire Rheumatism Council.

**Royal Agricultural Benevolent Institution,** Vincent House, Vincent Square, London, S.W.1. The only national organisation for the relief of disabled and aged members of the farming community.

**Royal Air Force Benevolent Fund,** 67 Portland Place, London, W.1. Exists primarily to help those disabled while flying and the dependants of those killed, and specially assists in education of children by trying to give them the education which might reasonably have been provided by their fathers who have been taken from them.

**Royal Alfred Merchant Seamen's Society,** 122/6 Balham High Road, London, S.W.12. Maintains the Belvedere Home, Kent, for aged and infirm seamen, provides out-pensions to British Merchant Navy officers and men and supports their widows and dependents. Dependent upon voluntary contributions.

**Royal Association in Aid of the Deaf and Dumb,** 7-11 Armstrong Road, Acton, W.3. Not in receipt of State aid. Ministers to the spiritual and material needs of the deaf and dumb.

**Royal College of Surgeons of England,** Lincoln's Inn Fields, London, W.C.2. One of the leading centres of surgical research and study. Is expanding and increasing its programme of research and education.

**Royal Commonwealth Society, The,** Northumberland Avenue, London, W.C.2. To promote the increase and diffusion of knowledge respecting the peoples and countries of the Commonwealth; to maintain the best traditions of the Commonwealth; to foster unity of thought and action in relation to matters of common interest.

**Royal Humane Society,** Watergate House, York Buildings, Adelphi, London, W.C.2. To award persons for gallantry in saving and attempting to save, life from drowning, etc.

E

**Edwina Mountbatten Trust,** 2 Kinnerton Street, S.W.1, founded in memory of Lady Mountbatten to carry on her work. The objects of the Trust are the relief of sick, distressed and needy children through The Save the Children Fund, the expansion of The St. John Ambulance Brigade and the promotion and improvement of the art of nursing, throughout the world.

**Empire Rheumatism Council,** Faraday House (N.4), Charing Cross Road, W.C.2. To organise research into the causes and means of treatment of rheumatism, arthritis, fibrositis and allied diseases.

**Ex-Services Mental Welfare Society,** 37-39 Thurloe Street, London, S.W.7. The *only* voluntary *specialist* organisation supplementing the work of the State, exclusively for men and women of H.M. Forces.

F

**Family Service Units,** 207 Marylebone Road, N.W.1. Exists to prevent the break-up of the home with its unavoidable damage to the children and cost to the community. The first step is to establish friendly contact with the parents and win their confidence. The worker must find out what has gone wrong and help in whatever way is best to restore self-respect and independence.

**Family Welfare Association,** 296 Vauxhall Bridge Road, S.W.1. Provides a service of advice and guidance in personal and family problems. Initiates and conducts research in social problems, particularly affecting family life.

**Fellowship Houses Trust,** Clock House, Byfleet, Surrey. A Charitable Trust and Housing Association founded in 1937 to provide guest houses and flatlets for aged people of both sexes including married couples of low income.

**Florence Nightingale Hospital,** 19 Lisson Grove, London, N.W.1. Provides medical and surgical treatment for ladies of limited means and those of the professional classes. The hospital is neither controlled nor supported by the State.

**Forces Help Society and Lord Robert Workshops,** 122 Brompton Road, S.W.3, provide advice and assistance to Service and ex-Servicemen and women, Cottage, Convalescent and Retirement Homes, and training and employment for disabled ex-Servicemen in various crafts.

**Friend of the Clergy Corporation,** 15 Henrietta Street, London, W.C.2. Provides permanent pensions for elderly widows and orphan maiden daughters of the clergy in straightened circumstances.

**Friends of the Poor & Gentlefolk's Help,** 42 Ebury Street, London, S.W.1. Assistance given to all classes in distress. Gentlefolk's Help provides Homes for elderly gentlepeople and gives pensions.

**Fund for Human Need,** 34 Eatonville Road, S.W.17. To assist the hungry and under-privileged peoples of the world, without regard for politics, race, colour or creed. Affiliated to the Freedom from Hunger Campaign United Kingdom Committee.

G

**Gentlewomen's Work and Help Society (Inc.),** 1 Ridgefield, King Street, Manchester, 2. Helps gentlewomen of all ages resident in all parts of the British Isles.

**Greater London Fund for the Blind (incorporating United Appeal for the Blind),** 2 Wyndham Place, London, W.1. The central organisation in London raising money for societies and associations engaging in services to the civilian blind.

**Grenfell Association of Great Britain and Ireland,** Hope House, Great Peter Street, S.W.1. Over sixty years ago Wilfred Grenfell discovered that no medical or social service existed for the fishermen living along the remote and sub-arctic coast of Labrador and Northern Newfoundland. He spent forty-three years among the fishermen and to-day the Mission maintains 4 hospitals and a sanatorium, 12 nursing stations, 1 children's home, 2 boarding schools, 1 day school, 1 supply vessel, hospital ships, aircraft and agricultural and Grenfell industries at all stations.

**Guild of Aid for Gentlepeople,** 280A Earls Court Road, London, S.W.5. Gives help by regular allowances, and in emergencies, to men and women of gentle birth, too old or too infirm to support themselves.

H

**Haemophilia Society, The,** 94 Southwark Bridge Road, London, S.E.1. To provide a fellowship for haemophilics, to give advice on their problems and to safeguard their social and economic interests. To promote the study of the cases and treatment of haemophilia and similar conditions.

**Harrison Homes,** 49 St. James's Gardens, London, W.11. Founded in 1869. Eighteen Homes maintained for elderly people who have spent their lives in the service of others. Residents each have their own room, provide their own furniture and live independently. This Charity depends on voluntary subscriptions and legacies for the continuation of the work.

**Historic Churches Preservation Trust,** Fulham Palace, S.W.6. The Trust has been created to save England's unique heritage of ancient and beautiful churches from falling into decay and ruin by raising and administering funds for their preservation. An authoritative commission has estimated that £100,000 a year extra must be found to supplement what the parishes can do themselves, for many hundreds of ancient churches are at present in urgent need of repair.

**Home of Rest for Horses,** Westcroft Stables, Boreham Wood, Herts. To enable the poorer classes to procure rest and skilled treatment for their ponies and donkeys when such care is needed.

**Homes of Rest for Gentlewomen,** 26 Warwick Road, London, S.W.5. Maintains residential Homes in Cheltenham, Clevedon and Southbourne for elderly gentlewomen with incomes under £300 per annum. Nursing Fund to care for residents too infirm or ill to remain in the Homes.

**Homes of St. Barnabas,** Dormans, Lingfield, Surrey. Permanent homes for forty-five retired clergy, with Resident Matron and Nursing Staff.

**Homes for Working Boys in London,** 15 Champion Hill, S.E.5. Homes in the charge of wardens and matrons maintained for homeless boys, 16 to 21 years of age, from all parts of the country, in work or requiring work in London.

**Hostel of God, The,** Clapham Common, S.W.4. Seventy-five beds. The sole purpose of this independent hospital is the care (without charge) of those who are in the very last stages of a fatal disease (97% cancer).

I

**Imperial Cancer Research Fund,** Royal College of Surgeons of England, Lincoln's Inn Fields, London, W.C.2. A centre for research and information on cancer and carries on continuous and systematic investigations.

**Infantile Paralysis Fellowship,** Rugby Chambers, Great James Street, W.C.1. To associate in fellowship sufferers from poliomyelitis; to find means of training members to be self-supporting; to alleviate the loneliness of friendless sufferers and to bring those who need advice or assistance into contact with available sources of help and to encourage and support polio research.

**Institute of Cancer Research: Royal Cancer Hospital,** Fulham Road, London, S.W.3. Intensive research is carried out in the Institute's own laboratories. The Institute is not nationalised and can accept legacies.

J

**John Groom's Crippleage,** 37 Sekforde Street, London, E.C.1. Trains and employs crippled women and girls in high-class artificial flower making. Accommodation provided in homely hostels.

**Junius S. Morgan Benevolent Fund,** 15 Buckingham Street, London, W.C.2. Founded in 1890 to afford relief to Nurses in distress through age or infirmity.

K

**King George's Fund for Sailors,** 1 Chesham Street, S.W.1. General Secretary: Captain Stuart H. Paton, C.B.E., R.N. The Central Fund for the Benevolent Societies which assist all seafarers, past and present, of the Royal Navy, Merchant Navy and Fishing Fleets. Since the War the Fund has allocated 4 million pounds to over 120 Societies.

L

**League Against Cruel Sports, The,** 58 Maddox Street, London, W.1. The leading society which campaigns for better treatment for wild animals.

**Lifeline (Adoption Committee),** 67A Camden High Street, N.W.1. Aims to rehabilitate and resettle the Displaced Persons left behind in Germany after the War, by giving them tools for a trade, technical training and a home of their own."

**London Association for the Blind,** 88/92 Peckham Road, London, S.E.15. A Voluntary Organisation helping the blind in both London and the Provinces. Training and employment; homes and hostels; self-contained flats; benevolent and pensions fund.

**London City Mission,** 6 Eccleston Street, London, S.W.1. Maintains 200 missionaries in door-to-door visitations, etc. Mission Halls in many parts of London. Has holiday home for its own workers.

**London Council of Social Service,** 4 Gower Street, W.C.1. The Council is a central consultative and advisory body on social service, and co-ordinates the activities of voluntary bodies. It aims to promote additional services for the community and to provide research and specialist facilities for those engaged in social work. General Secretary: Miss K. Proud.

**London Police Court Mission, The,** 2 Hobart Place, London, S.W.1. Is responsible for a home and a hostel for boys on probation, three similar hostels for girls on probation, two hostels for destitute women and girls, a home for unmarried mothers and their babies, and a home for children who have been ill-treated or criminally assaulted.

**London Solicitors and Families Association, The,** "Maesgwyn," Glaziers Lane, Normandy, Surrey. Financial relief for necessitous members and their families and dependent relatives of deceased members, and necessitous solicitors not members.

M

**Marie Curie Memorial Foundation,** 124 Sloane Street, S.W.1. Established 1948. Is a voluntary organisation covering all the problems associated with cancer, and has helped many thousands of cancer sufferers through its 5 residential Homes and nation-wide welfare and relief services. This year 3 new Homes will, between them, provide nearly 200 more beds. The Foundation's Homes are the only ones in this country opened specially for cancer patients.

**Mental Health National Appeal** supports the National Association for Mental Health and the Mental Health Research Fund, 8 Wimpole Street, London, W.1. The former provides training and residential services for the mentally disordered, advisory facilities and a public information service. The latter finances and stimulates research into all types of mental illness and mental handicap. Both are voluntary organisations supporting and supplementing the work of the National Health Service.

**Methodist Homes for the Aged,** 1 Central Buildings, London, S.W.1. Maintains 11 large Methodist Homes which are homes in the warmest and fullest sense of the word. Present accommodation is for 250 residents.

**Methodist Ministers Housing Society, Ltd.,** 1 Central Buildings, London, S.W.1. This Society has been officially appointed by the Methodist Conference to take responsibility for providing suitable housing accommodation on retirement for supernumerary Methodist Ministers, and for Minister's widows, at rents which they can afford from their slender pensions.

**Methodist Missionary Society,** 25 Marylebone Road, London, N.W.1. Founded 1786. For the work of world Evangelism through preaching, teaching and healing.

**Miss Sheppard's Annuitants' Homes,** 12 Lansdowne Walk, London, W.11. To give a real home to gentlewomen in good health, over 60 on entry, with small assured incomes.

**Miss Smallwood's Society,** Lancaster House, Malvern. Assists ladies in poor circumstances without distinction of creed by monthly pensions. Has monthly pension list of over 390. Gives grants in deserving cases.

**Mission to Lepers,** 7 Bloomsbury Square, London, W.C.1. Controls or aids 129 centres for sufferers from leprosy and healthy children of parents with leprosy and provides Christian teaching at several public leprosy centres.

**Missions to Seamen,** 4 Buckingham Palace Gardens, London, S.W.1. Maintains 85 stations at home and overseas with port staff. Institutes and launches. All seamen welcomed.

**Moravian Missions,** 32 Great Ormond Street, London, W.C.1. Oldest to heathen, first to Jews, first to send out medical missionaries, first to lepers.

**Multiple Sclerosis Society,** 10 Stratford Road, London, W.8. The Society co-operates with the medical profession to encourage research into the cause and cure of Multiple (Disseminated) Sclerosis, and establishes Research Fellowships in Multiple Sclerosis and Allied Nervous Diseases. Through its many branches it promotes the help and welfare of those who have Multiple Sclerosis.

**Muscular Dystrophy Group, The,** 26 Borough High Street, London, S.E.1, devotes funds to medical research. In its worst form this muscle-wasting disease, at present incurable, causes death before adulthood is reached: its milder forms can be severely crippling. Doctors believe that expanded research could be the means of saving thousands of lives.

**Musicians' Benevolent Fund,** St. Cecilia's House, 7 Carlos Place, London, W.1. Disburses thousands of pounds annually to unemployed, sick and aged professional musicians. Also maintains a beautiful convalescent Home at Westgate-on-Sea, Kent.

N

**National Anti-Vivisection Society, The,** 27 Palace Street, S.W.1. Draws public attention to fully authenticated instances of painful experiments on living animals; advocates prohibition by law of all scientific experiments on animals calculated to cause pain. Branches throughout England.

**National Association of Boys Clubs,** 17 Bedford Square, London, W.C.1. A voluntary organisation which helps boys to become decent men by means of the Club Method. Imaginative courses provided for adult leaders, helpers and boys.

**National Association for the Paralysed,** 1 York Street, Baker Street, London, W.1. To promote and further the interests of the paralysed by passing on information essential to their well-being, including technical information, suggestions as to the best means of overcoming particular disabilities, and advice on benefits and help available from Government Departments, local authorities and voluntary organisations.

**National Canine Defence League,** 10 Seymour Street, London, W.1. Maintains animal clinics with full hospital service. Provides homes for unwanted dogs, veterinary aid for working sheepdogs, dog licences for the blind, disabled and aged.

**National Children's Home,** Highbury Park, London, N.5. Helps children deprived of a normal home life. Forty branches. Over 3,000 girls and boys cared for and nearly 36,000 benefited.

**National Library for the Blind,** 35 Gt. Smith Street, London, S.W.1. The library possesses 289,985 volumes in embossed type and is free to blind readers. 1,500 volumes issued daily by post.

**National Playing Fields Association, The,** 71 Eccleston Square, London, S.W.1. Since its inauguration in 1925 it has distributed £1,349,435 thus helping to provide playing fields and children's playgrounds for all sections of the community.

**National Society for the Abolition of Cruel Sports,** 7 Lloyd Square, London, W.C.1. To educate public opinion to demand the legal prohibition of the hunting and coursing of wild animals; and ultimately for the total abolition of the killing of animals and birds for sport.

**National Society for Cancer Relief,** 47 Victoria Street, London, S.W.1. Assists poor persons suffering from cancer and those needing nursing or other special facilities. Provides blankets, clothing, fuel for patients.

**National Society for the Prevention of Cruelty to Children,** Victory House, Leicester Square, London, W.C.2. Saves children from mental and physical ill-treatment and neglect. The Society also advises and helps parents concerning problems that have arisen in regard to their children's well-being.

**National Spastics Society, The,** 12 Park Crescent, London, W.1. The objects of the Society are to promote facilities for the treatment, education and vocational training of spastics, who are crippled as a result of injury to brain tissues before, during or after birth. In order to meet the desperate needs of spastics, among whom there are about 10,000 children, it seeks within the limits of its income to establish clinics, schools and sheltered workshops.

**National Sunday School Union,** Central Hall Buildings, Durnsford Road, London, S.W.19. A great Christian organisation which unites and serves the Churches of all denominations. It concentrates its efforts on providing leadership and help in the moral and spiritual training of young people.

**National Trust for Places of Historic Interest or Natural Beauty,** 42 Queen Anne's Gate, London, S.W.1. Under special Acts acquires and holds inalienably for benefit of nation lands and buildings of interest or beauty. Special obligations to preserve animal and plant life.

**Nurses Memorial to King Edward VII,** 15 Buckingham Street, Strand, London, W.C.2. A voluntary organisation founded in 1912 to provide a home or homes for elderly retired nurses.

**Nurses,** see Junius S. Morgan Benevolent Fund.

O

**Oxford Committee for Famine Relief,** 17 Broad Street, Oxford. Collects money and clothing and re-distributes where needs are greatest, on a non-sectarian basis. Also accepts effects of any kind for sale in gift shop.

P

**People's Dispensary for Sick Animals,** P.D.S.A. House, Clifford Street, London, W.1. Established to provide free treatment for sick and injured animals of the poor through its 80 dispensaries, 11 hospitals and 18 caravan dispensaries and 14 ambulances in the United Kingdom and Overseas.

**Professional Classes Aid Council,** 10 St. Christophers Place, London, W.1. Relief of distress amongst professional classes and their dependants resulting from causes beyond individual control.

Q

**Queen Elizabeth's Training College for the Disabled,** Leatherhead, Surrey. To train physically disabled persons for absorption into normal industry.

**Queen Victoria Clergy Fund,** Church House, Dean's Yard, London, S.W.1. Relieves the intolerable financial burden of the clergy of the Church of England by making annual block grants to the dioceses.

R

**R.A.F. Escaping Society,** Room 10, 70 Wimpole Street, W.1. Helps those gallant people of France, Belgium and other occupied countries who risked torture and death to shelter our airmen and help them to escape to continue their fight for our freedom.

**Reedham School,** Purley, Surrey. Maintains and educates 250 needy children. Boys and girls are received from early infancy until 11 years and retained until 16. They are admitted by presentation, purchase or election.

**Reed's School, London Orphan School and Royal British Orphan School,** 32 Queen Victoria Street, London, E.C.4. Boarding school for fatherless children. Secondary Grammar School education.

**Rheumatism,** see British Rheumatism and Arthritis Association. Charterhouse Rheumatism Clinic and Empire Rheumatism Council.

**Royal Agricultural Benevolent Institution,** Vincent House, Vincent Square, London, S.W.1. The only national organisation for the relief of disabled and aged members of the farming community.

**Royal Air Force Benevolent Fund,** 67 Portland Place, London, W.1. Exists primarily to help those disabled while flying and the dependants of those killed, and specially assists in education of children by trying to give them the education which might reasonably have been provided by their fathers who have been taken from them.

**Royal Alfred Merchant Seamen's Society,** 122/6 Balham High Road, London, S.W.12. Maintains the Belvedere Home, Kent, for aged and infirm seamen, provides out-pensions to British Merchant Navy officers and men and supports their widows and dependents. Dependent upon voluntary contributions.

**Royal Association in Aid of the Deaf and Dumb,** 7-11 Armstrong Road, Acton, W.3. Not in receipt of State aid. Ministers to the spiritual and material needs of the deaf and dumb.

**Royal College of Surgeons of England,** Lincoln's Inn Fields, London, W.C.2. One of the leading centres of surgical research and study. Is expanding and increasing its programme of research and education.

**Royal Commonwealth Society, The,** Northumberland Avenue, London, W.C.2. To promote the increase and diffusion of knowledge respecting the peoples and countries of the Commonwealth; to maintain the best traditions of the Commonwealth; to foster unity of thought and action in relation to matters of common interest.

**Royal Humane Society,** Watergate House, York Buildings, Adelphi, London, W.C.2. To award persons for gallantry in saving and attempting to save, life from drowning, etc.

**Royal London Society for the Blind, The,** 105/9 Salusbury Road, London, N.W.6. Patron: Her Majesty the Queen. The Society's work, which includes the education and vocational training of blind children and adults, is still dependent on the generosity of the public. There is a great need for continued financial support. Registered in accordance with the National Assistance Act, 1948.

**Royal Merchant Navy School,** Bearwood, Wokingham, Berks. A school for the sons and daughters of merchant seamen deceased, or of seamen who through illness or infirmity have left the sea.

**Royal National Institute for the Blind,** 224 Gt. Portland Street, London, W.1. A voluntary organisation serving 81,000 blind of England and Wales, and the blind in many parts of the British Empire.

**Royal National Institute for the Deaf,** 105 Gower Street, W.C.1. Established 1911, is the only charity dealing with all degrees of deafness at all ages at national level. Includes Homes for the Deaf, a Technical and Research Laboratory, Library, General Welfare, etc.

**Royal National Life-Boat Institution,** 42 Grosvenor Gardens, S.W.1. Its objects are the rescue of life from shipwreck round the coasts of Great Britain and Ireland by providing and maintaining the life-boat fleet and equipment; by rewarding life-boat crews and other helpers and compensating them for injury on service.

**Royal National Mission to Deep Sea Fishermen,** 43 Nottingham Place, London, W.1. Established to preach the Word of God to fishermen and their families and in every way possible to promote and minister to their spiritual and temporal welfare. Is not State aided.

**Royal Naval Benevolent Society,** 1 Fleet Street, E.C.4. Gives financial assistance to officers of the Royal Navy and Royal Marines and their dependants.

**Royal Normal College for the Blind,** Albrighton Hall, Broad Oak, Shrewsbury, and Rowton Castle, Near Shrewsbury. A selective school for boys and girls between the ages of 12 and 16 years. Training departments in music, piano tuning, typewriting.

**Royal Sailors Rests,** 31 Western Parade, Portsmouth. Provides food, beds, recreation for sailors when ashore in Portsmouth and Devonport. Temperance principle—gospel services. Destroyed in 1941. Continuing in temporary premises. New buildings planned.

**Royal School for the Blind,** Leatherhead, Surrey, and Blind Employment Factory, London. Trains the blind, deaf-blind and deaf-dumb-blind, provides homes for the aged blind and has the only Residential Occupational Therapy Department for blind people in the country. Workshops for men and women.

**Royal Society for the Prevention of Cruelty to Animals,** 105 Jermyn Street, St. James's Street, London, S.W.1. Works unceasingly for the encouragement of kindness to animals. There would be less cruelty if there were more R.S.P.C.A. Inspectors, less unnecessary suffering if there were more R.S.P.C.A. clinics.

**Royal Society for the Protection of Birds,** 25 Eccleston Square, London, S.W.1. Protects wild bird-life in Great Britain through education, especially amongst young people; by maintaining bird-sanctuaries and wardens, and actively crusading against the increasing threat to their existence.

**Royal Society of Medicine,** 1 Wimpole Street, London, W.1. The world's most comprehensive medical society, providing services for doctors and research workers which cover the whole field of clinical medicine.

**Royal United Kingdom Beneficent Association,** 13 Bedford Street, W.C.2. Primarily to grant annuities to any gentlemen (over 65) and ladies (over 60) in British Isles and in straitened circumstances; or over 40 but who through ill health are unable to earn their own livelihood.

S

**Sailors Childrens Society, The,** Newland, Hull. Founded in 1821, the Society has cared for over 6,000 seamen's orphaned children. Last year nearly 600 children received our help. Where practicable, financial support is given to widows so they may keep their children at home. Children are admitted to the Society's homes at Newland with a minimum of formality and regardless of race or creed.

**Sailors Home and Red Ensign Club,** Dock Street, London, E.1. Provides seamen with well-appointed Home and Residential Club; also administers the Destitute Sailors Fund for distressed seamen.

**Salvation Army,** 113 Queen Victoria Street, London, E.C.4. Preaches Christianity in Action from 20,000 centres in 89 countries and colonies. Has 26,747 officers and 102,607 unpaid officers.

**Scripture Union and Children's Special Service Mission, The,** 5 Wigmore Street, W.1. For nearly a century, and through many activities at home and overseas, has fostered the habit of daily Bible reading and led children and young people in a firm personal faith in Christ.

**Seamen's Christian Friend Society,** Denison House, 296 Vauxhall Bridge Road, London, S.W.1. Serves the seafaring community in every possible way in English and Scottish ports, also in Eire. Maintains mission halls, institutes, etc.

**Searchlight Cripples' Workshops,** Mount Pleasant, Newhaven, Sussex. A home and workshop for young men too badly crippled for acceptance by Ministry of Labour training establishments for the physically handicapped.

**Shaftesbury Homes and "Arethusa" Training Ship.** Headquarters: 164 Shaftesbury Avenue, London, W.C.2. Maintains and trains poor boys and girls and gives them a hundred per cent. chance in life. Many old *Arethusa* boys have attained Commissioned Rank. Girls are prepared for household duties and nursing.

**Shaftesbury Society,** 112 Regency Street, London, S.W.1. Founded in 1844 as the Ragged School Union. Renders Christian social services to poor and crippled children and their parents in the neediest areas of London.

**Shipwrecked Fishermen and Mariners' Royal Benevolent Society,** 16 Wilfred Street, London, S.W.1. Their object is to feed, clothe, assist and send home and replace the losses of shipwrecked fishermen.

**Society for the Propagation of the Gospel in Foreign Parts,** 15 Tufton Street, London, S.W.1. Evangelistic, educational and medical missionary work from the West Indies to Africa, Madagascar, India, Parkistan, Burma, Ceylon, Malaya, Singapore, Oceania, Korea and Japan.

**Society for Promoting Christian Knowledge, The,** Holy Trinity Church, Marylebone Road, N.W.1, has served the Church at home and overseas for over 260 years. It continues to assist Christian education chiefly by helping people overseas to make a full use of Christian literature at a time when millions are learning to read. This involves planning, producing and distributing books, pamphlets, newspapers and hand-outs in 150 languages.

**Soldiers' Sailors' and Airmen's Families Association,** 23 Queen Anne's Gate, London, S.W.1. A nation-wide voluntary organisation to give advice to the families of service and ex-service men and women.

**Solicitors' Benevolent Association, Clifford's Inn,** Fleet Street, London, E.C.4. A voluntary organisation for the relief of necessitous Solicitors on the Roll for England and Wales, their wives, widows and families.

**S.O.S. Society,** 24 Ashburn Place, London, S.W.7. Homes for old people, hostels for homeless and friendless men, young apprentices, trainees and students and men and women in need of rehabilitation.

**South London Mission,** Central Hall, Bermondsey Street, London, S.E.1. Continued Christian service by London's river. Settlement for students; hostel for West Indians; and particular care for teenagers in the Inner Belt and old age pensioners in the Eventide Homes at Lancing.

**St. Dunstan's,** 1 South Audley Street, London, W.1. Is responsible for the re-education and training, settlement in homes and occupations and the lifelong welfare of blinded service men and women.

**St. Francis' Home,** Shefford, Bedfordshire. A Catholic charity established in 1869 for the care of orphan and destitute Catholic children.

**St. John Ambulance Association, The,** 10 Grosvenor Crescent, London, S.W.1. Instructs members of the public in first aid, nursing and child care. The St. John Ambulance Brigade, 8 Grosvenor Crescent, London, S.W.1, is the uniformed body whose members voluntarily give first aid wherever it is needed.

**St. Loyes College for the Training of the Disabled,** Exeter. A voluntary organisation which gives schooling and vocational training to handicapped juveniles and trains disabled men and women for employment in industry.

**Star and Garter Home,** Richmond, Surrey. Provides a permanent home and gives skilled medical and nursing attention to paralysed and otherwise totally disabled men of H.M. Forces.

T

**Toc H,** 15 Trinity Square, London, E.C.3. Founded by the Rev. P. P. (Tubby) Clayton, M.C., at a meeting of men who discovered in Talbot House, Poperinghe, from 1915 onwards, the value of friendship and good humour in common service to others. Fellowship, service and fairmindedness are the basic aims of this open-to-all Christian society.

**Trinitarian Bible Society,** 7 Bury Place, Bloomsbury, London, W.C.1. For the wide-spread distribution of the Word of God, especially considering the needs of those unable to buy scriptures.

U

**United Society for Christian Literature,** 4 Bouverie Street, London, E.C.4. Oldest inter-denominational body of its kind. Its income is used in publication of Christian literature in Great Britain, Asia and Africa.

**UFAW (The Universities Federation for Animal Welfare),** 7A Lamb's Conduit Passage, London, W.C.1. Conducts research to obtain facts about problems of animal welfare and strives to promote humane behaviour towards wild and domestic animals in Britain and abroad.

W

**Wireless for the Bedridden Society,** 20 Wimpole Street, London, W.1. Aims to provide wireless facilities for those who are bedridden or housebound and are too poor to obtain them for themselves.

**Wood Green Animal Shelter, The,** 601 Lordship Lane, London, N.22. Has cared for sick, injured, unwanted and stray animals since 1924.

**Working Ladies' Guild,** 280 Earl's Court Road, London, S.W.5. Pension Society for assisting gentlefolk in straitened circumstances, either financially or with accommodation when available.

**World-Wide Advent Missions,** Stanborough Park, Watford, Herts. Missionary organisation of the Seventh-Day Adventist Church. Conducts medical, evangelical and educational work in many countries. Operates 200 hospitals and clinics, caring for nearly 130,000 in-patients and giving 2½ million out-patient treatments annually.

**W.V.S. Trust, The,** 41 Tothill Street, London, S.W.1. To further and support the charitable activities of W.V.S.—care of old people, mothers and children and the sick, and welfare work for the Services. The Trust is administered by W.V.S. Trustees Limited which is authorised to act in the administration of any charitable trust in which W.V.S. are interested.

*Copies of this list may be obtained on application to the Manager, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4*

# R.U.K.B.A

## The Royal United Kingdom Beneficent Association

***(For the support of gentlefolk in need)***

PATRON: HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

The poverty and loneliness of so many of our old people is an urgent national problem. It is a specially distressing problem in the case of gentlefolk who have known better days but who now, through no fault of their own, face old age and growing infirmity in need and loneliness. So many of them have neither friends nor relations to care for them.

To more than 3,650 of these ladies and gentlemen R. U. K. B. A. is now holding out a helping hand. By means of annuities, grants for special expenses in times of illness or difficulty, free clothing and Homes accommodation, R. U. K. B. A. is a friend to those who, in their poverty and distress, so sadly need that friendship.

**Subscriptions and Bequests are urgently needed to enable R.U.K.B.A. to increase the help it is giving and to extend that help to many others who now look to the future with anxiety and fear.**

The General Secretary,
R.U.K.B.A. P.O. Box 55,
13 Bedford Street, London, W.C.2.
(Tel.: Temple Bar 2575)

---

# By Will or Codicil or Covenant

May we suggest to Legal or Financial Advisers that, when questions of their clients' benefactions arise, the worthiness of the Royal Air Force Benevolent Fund may be wholeheartedly and deservedly commended.

Briefly, The Royal Air Force Benevolent Fund provides help to R.A.F. personnel disabled while flying or during other service. It assists the widows and dependants of those who lose their lives and helps with the children's education. It gives practical assistance to those suffering on account of sickness and general distress.

The need for help in nowise lessens in peace or war. Our immeasurable gratitude to that "Immortal Few" can hardly cease while memory itself endures.

# The Royal Air Force Benevolent Fund

*More detailed information will gladly be sent by The Hon. Treasurer,*
**The R.A.F. Benevolent Fund, 67 Portland Place, London, W.1.**
**Telephone: LANgham 8343**
(*Registered under the War Charities Act, 1940*)

# WHICH WAY?

THE life to be followed by future generations of boys depends on the help and guidance they receive during their vital formative years.

Today, as since Scouting started, millions of boys of every class, colour and creed are on the Scout trail leading to a happy, healthy and useful life.

Scouts are taught to be self-reliant. They raise considerable funds by their own efforts. But financial aid from outside sources is also urgently needed to further this vital national and international work.

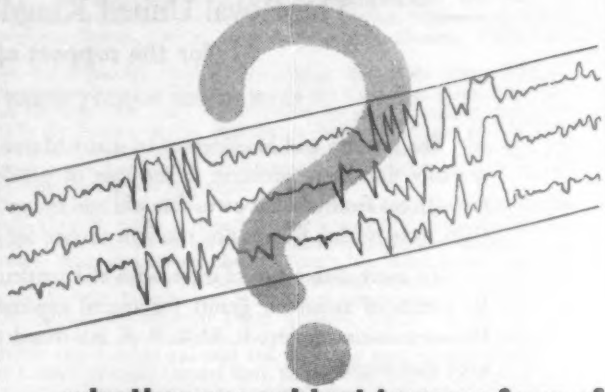
**When your advice is sought, please remember . . .**

**THE BOY SCOUTS ASSOCIATION**

**25 Buckingham Palace Road, London, S.W.1**

# 250,000 people

## want to know . . .



## . . . why they are subject to some form of

# EPILEPSY

The British Epilepsy Association have established a Fund for Epilepsy Research. This fund and the welfare work carried out by the Association depends entirely on voluntary subscriptions. Legal advisers can perform a valuable service by bringing this cause to the notice of their clients, when making Bequests and Legacies.

*Full information regarding the Association's work can be obtained from:—*

**THE BRITISH EPILEPSY ASSOCIATION**

Dept. SJ.I., 27 Nassau Street, London, W.1

# *No cymbals for Johnnie . . .*

**Not even this brazen crash can reach his hearing, for he has none.**

From infancy the totally deaf are denied all normal means of communication. Because they cannot hear they cannot speak; without speech they cannot learn; without learning they are lost in our busy and impatient world.

*Please help us to give the deaf of all ages a better chance in life.*

**THE ROYAL NATIONAL INSTITUTE FOR THE DEAF**

Patron: H.R.H. The Duke of Edinburgh, K.G.

**105 Gower Street, London, W.C.1. Phone: EUSton 8033 (5 lines)**

*(Registered in Accordance with the National Assistance Act, 1948)*

**1911** Fifty Years of Service to the Deaf **1961**

**Landlord and Tenant Notebook: "These Ghosts of the Past"**—*continued from page* 1042

actions for waste: in Y.B. Hil. 17 Ed. 2, p. 518, a lessee who had pulled down a house he had built during the term was held to have committed waste. But in a case reported in Y.B. 20 Hen. 7, 13, 14, dicta concerning trade fixtures showed that the courts were by then inclined to modify the doctrine; and in the sixteenth century fine distinctions were being drawn, e.g., in dicta in *Day* v. *Bisbitch* (1595), Cro. Eliz. 374, between a furnace in the middle of a room and one fixed to a wall, though in *Warner* v. *Fleetwood* (1600), noted in the report of *Herlakenden's Case* (1589), Co. Rep. 64*a*, the court drew the line when asked to distinguish between glass annexed to windows by nails and glass annexed in any other manner ("for without glass it is no perfect house") and between wainscots fastened by great nails, by little nails, by screws, or by irons put through the post or walls ("as has been invented of late time"). However, the tendency to enlarge the rights of tenants was manifest, and the editor of the sixth edition of Salkeld's Reports, published in 1795, added a note to the report of *Poole's Case* (1703), 1 Salk. 368, in which Holt, J., had expressed the view that hearths and chimney-pieces, installed to complete the house, were subject to the *quicquid solo plantatur* principle: marble chimneys, the editor observed, had since then been held to be removable fixtures, and the tendency was to extend tenants' rights.

In *Lawton* v. *Lawton* (1743), 3 Atk. 13, Lord Chancellor Hardwicke, dealing with a wainscot "fixed only by screws" and a marble chimney-piece, had said, "It is true, the old rules of law have indeed been relaxed between landlord and tenant," and I do not think that this was said with a sigh. In the next century, we find Ellenborough, C.J., saying, in *Elwes* v. *Maw* (1802), 3 East 38: "The indulgence in favour of the tenant for years has since been carried still further, and he has been allowed to carry away matters of ornament, as ornamental marble chimney-pieces, pier glasses, hangings, wainscot fixed only by screws, and the like"—a more liberal attitude than that shortly before manifested by Kenyon, C.J., in *Penton* v. *Robart* (1801), 2 East. 88; the learned chief justice agreed that the old cases upon the subject leant to consider as realty whatever was annexed to the freehold by the occupier; but in modern times the leaning had always been the other way in favour of the tenant—this, however, "in support of the interests of trade which is become the pillar of the State."

But Ellenborough, C.J.'s indulgence in the matter of ornamental fixtures, regardless of any pillars of the State, grew and was clearly recognised by Kindersley, V.-C., in his judgment in *Gibson* v. *Hammersmith & City Rly. Co.* (1863), 2 Dr. & Sm. 603. And how the *quicquid plantatur* ghost came to be laid was summarised, at the commencement of the present century, by Rigby, L.J., in *Re De Falbe; Ward* v. *Taylor* [1901] 1 Ch. 523 (C.A.): "As regards fixtures, we know that the time was when everything affixed to the freehold was held to go with the freehold, and it was only by slow degrees that that unbending rule was modified, and came at last to assume the proportions which it now retains . . ."

### Distress

Though agricultural holdings legislation has taken a hand in reforming or regularising the law relating to fixtures—see now the Agricultural Holdings Act, 1948, s. 13—tackling the ghost has been mainly the work of the judges. When we consider the law of distress, however, we find that ghosts have been raised rather than laid by the Legislature. True, the Statute of Marlborough, 1267, gave us the action for excessive distress ("Distress shall be reasonable and not too great, and they that take unreasonable and undue distresses shall be grievously amerced for the excess of such distresses"); but some four centuries-odd later a measure was enacted which occasioned a great deal of injustice. This was the Sale of Distress Act, 1689, an enactment often criticised by judges; the following passage from the judgment of Blackburn, J., in *Cramer* v. *Mott* (1870), L.R. 5 Q.B. 357, describes the effect and what the learned judge thought of it: "At common law a landlord could seize any chattels on the demised premises, but could only detain them till the rent was paid; and, although he had the right to seize the goods of a stranger, practically there was no hardship, as the landlord was bound to give up the goods on tender of the rent. But the Legislature intervened, and gave the landlord power to sell, after certain formalities; and the consequence is, whether it was intended or not, inasmuch as the landlord is empowered to sell any goods which he may seize, he may also sell the stranger's goods. This, no doubt, is a great hardship, but such is the law."

The Legislature has since then sought to mitigate the hardship by passing such statutes as the Lodgers' Goods Protection Act, 1871, and the Law of Distress Amendment Act, 1908, and it may well be that the writings of Charles Dickens were as much responsible for these reforms as were the utterances of Her Majesty's judges. Mr. Thomas Traddles was put to much loss when his property was distrained for rent owing by Mr. Micawber; Mr. Harold Skimpole, it is true, was merely amused when chairs which he had not paid for were seized by his landlord, who had no quarrel with the owner of the chairs; yet ridicule can bring about law reform. But the effect of this legislation, combined with some pro-landlord legislation of the eighteenth century (the Landlord and Tenant Act, 1709, s. 6: distress after term expired; the Distress for Rent Act, 1737: fraudulent removal), has been to create a vast body of rules and exceptions and exceptions from exceptions, and text-books on the law of landlord and tenant now have to devote much more space to the subject than the part it plays in practice warrants.

### Judicature or Legislature

It will have been observed that judges have less difficulty in dealing with objectionable ghosts brought into being by the common law than with those which owe their existence to an Act of Parliament. As Lord Abinger put it in dealing with a licensing Act in *A.-G.* v. *Lockwood* (1842), 9 M. & W. 378, "The Act of Parliament practically has had, I believe, a very pernicious effect—an effect not all contemplated; but we cannot construe the Act by that result"; and there have been many other pronouncements to the like effect.

But whether, when the apparition is not the creature of statute, the bold procedure advocated by Lord Atkin and Lord Denning is altogether desirable and preferable to gradual modification is, perhaps, open to question. It is not easy for a practitioner to diagnose a ghost; and even a judge setting out to pass through what he considers a ghost undeterred may find as a hard fact, though not engaged in fact finding, that he was mistaken. When explaining that the rule invoked in *Warner* v. *Sampson* was of feudal origin, Lord Denning did not mention that statutory approval is given by the Law of Property Act, 1925, s. 145 (notification of adverse claims), to a similar feudal principle.

### Reappearance

He may be said to have adopted similar tactics of defiance in *Mint* v. *Good* [1951] 1 K.B. 517 (C.A.), when he held, in a case in which a passer-by had been injured by the collapse of a forecourt wall which the defendant, landlord of the premises, had not expressly undertaken to repair, that the courts must now take "a realistic view," so that liability no longer depended on the precise terms of a tenancy agreement. It is of interest to note that owing to the action of the Legislature in enacting the Housing Act, 1961, s. 32, such defiance would, *if* the wall were held to be part of the building (admittedly this is doubtful), not now be called for. But ghosts have a way of vanishing and reappearing quickly and not far away—Hamlet's father (Act II, Scene V) is a case in point—and it may occur to some prudent landlord to demise a similar outer wall to a lessee resident in, say, Patagonia.

R. B.

# HERE AND THERE

## ATTITUDES TO ANIMALS

A CENTURY ago people regarded animals at best as mere servants and inferiors to whom a limited consideration should be shown. There was a minimum of evidence on which one would hang a dog, a minimum of space in which one would swing a cat. That was all. In the ancient heathen world by contrast there were those who literally worshipped cats and dogs and birds. The mediaeval world seems to have hovered somewhere between the two, so that the lawyers in some countries attributed to animals a limited *mens rea* and, where later generations would have summarily executed a dangerous beast, a sow that savaged a child or a bull that gored a man would not be condemned to die without a full and solemn judicial trial. After a long interlude of less respectful regard for the psychology of the animal kingdom, the modern English seem to have reached a point where animals, well, anyhow, nice animals, are treated as friends and even, in the cosmic scheme, relations. Cats and dogs moving among the upper income brackets have at their disposal hearing aids, false teeth, mink coats and jewelled collars. Supreme modern blessings—they have neuroses and psychiatrists to treat them. There was a report the other day of a dog that had learnt to bark in Morse.

## IDYLL OF A CAT

AGAINST this background of emergence from an oppressive and neglectful past, it was scarcely surprising to find the Court of Appeal the other day deep in litigation involving the honour of a charming spinster cat named Minnie who had been cruelly and unjustly slandered by the landlords of a block of flats where she resided in genteel companionship with a maiden lady of the human race. The two lived together on terms of such harmony and basic equality that a plate had been put up outside their front door bearing the names of both of them. There was a touch of the idyllic about the relationship, a suggestion of Beatrix Potter blended perhaps with something of the atmosphere of Mrs. Gaskell's books, especially as the place of their residence was Highgate, whose holy hill has been for ever blessed and sanctified by the memory of Dick Whittington and his cat, while their dwelling-house bore the auspicious name of Makepeace Mansions. On that lofty site that designation suggested almost the Heavenly Mansions of our ultimate happy goal.

## IN BAD ODIUM

BUT, alas, evil ever lays siege to the gates of paradise and peace, and Makepeace Mansions for a while might well have borne the name of "Make Mischief Mansions." A subtly noxious and noisome smell arose within its precincts. Tenants started going about with expressions on their faces like the people in that advertisement: "Somebody isn't using——" what is it? And when that sort of secretly censorious look comes into the eye, the tongue will soon be busy whispering scandal. So it was, and the shafts of malicious gossip stuck in the sensitive sides of the resident least able to vindicate herself, poor Miss Minnie. The landlords of the block, a limited company, an abstraction which in its nature has no body and therefore no nose, believed the reports and accordingly letters were sent to the lady who was tenant of the flat which Minnie shared with her, requiring her to expel Minnie on the ground that she was the cause of the nuisance. In the loyalty of a long and loving friendship, the lady did no such thing and the landlords took out a summons in the county court claiming an injunction restraining her from keeping a cat in alleged breach of general regulations incorporated in her lease. The tenant, of course, denied the allegations and at the trial such an overwhelming body of respectable and responsible people flocked to court to pay glowing tributes to Minnie's scrupulously ladylike daintiness of habit and personal freshness that the judge unhesitatingly dismissed the claim and the very counsel for the plaintiffs withdrew the awful aspersions cast upon her. Nevertheless, the landlords, feeling that they would lose face (or costs) by retracting, continued to press for an injunction on the ground that under the regulations they were entitled to object to any cat without cause shown and, having failed in the county court, they took the matter to the Court of Appeal. But in that august tribunal they met with no better success. The regulations, it was held, must be construed as covering only reasonable or bona fide objections, and, when the objection stated was found to be based on a misapprehension, it could not be held that there was a reasonable objection. Once more Minnie's social character was triumphantly vindicated. It will be graceful and generous to leave her henceforth in peace or some people will be getting themselves into bad odour.

RICHARD ROE.

---

### Obituary

Mr. JAMES GRAY, solicitor, of Berwick-on-Tweed, clerk to Berwick magistrates for twenty-five years, died on 24th November, at the age of 81. He was admitted in 1905.

Miss AGNES WINIFRED KNIGHT, solicitor, senior legal assistant in the solicitor's department at Scotland Yard, died on 28th November, aged 67. She was admitted in 1936.

### Wills and Bequests

Mr. HARRY KENNARD, solicitor, of London, E.11, left £47,405 net.

Mrs. EDITH HANNAH BURGESS, of Scarborough, widow of Edwin Ernest Burgess, solicitor, left £93,067 net. Among other legacies, she bequeathed £2,000 to the Solicitors' Benevolent Association.

"The Solicitors' Journal"
Friday, December 8, 1961

# THE DRIVING OF MOTOR VEHICLES

It is proposed to discuss in this article some of the later cases on the "driving" of "motor vehicles." Many offences under the Road Traffic Act, 1960, are committed by the person who "drives" a motor vehicle on a road, e.g., dangerous and careless driving contrary to ss. 2 and 3 of the Act and exceeding the speed limit contrary to s. 4. Other offences, however, are committed by the person who uses, or causes or permits a motor vehicle to be used on a road, e.g., under s. 201 of the Act (relating to insurance) or under the Motor Vehicles (Construction and Use) Regulations, 1955; the Road Transport Lighting Act, 1957, s. 12, imposes a penalty on a person who "causes or permits a vehicle to be on any road in contravention of . . . this Act . . . or otherwise fails to comply with any of [the relevant] provisions." The Vehicles (Excise) Act, 1949, s. 15 (1), as amended by the Finance Act, 1959, s. 10, strikes at a person who "uses or keeps" a motor vehicle on a public road. Yet another variation is found in reg. 16 (3) (*a*) of the Motor Vehicles (Driving Licences) Regulations, 1950, under which an offence arises if the holder of a provisional driving licence "uses it" when not under the proper supervision.

"Motor vehicle" is the term used in the Road Traffic Act, 1960, and "mechanically propelled vehicle" is that in the Vehicles (Excise) Act; the definition in s. 253 (1) of the Act of 1960 (referred to below) shows that "motor vehicle" means a mechanically propelled one. The Road Transport Lighting Act, 1957, is concerned mainly with "vehicles."

### Using and driving

Many cases have been decided on the meaning of the terms "use," "cause" and "permit" in road traffic statutes and regulations. They will not be discussed in this article as it is concerned with "driving," a term with the more limited meaning, as will be seen, of the control of the brakes and steering-wheel. Frequently, of course, the user could also be prosecuted as the driver if he had committed an offence for which a statute makes the "driver" responsible, but "use" is a wider term including the absent owner of a vehicle being used on a road with his permission and for his purposes (*Green* v. *Burnett* [1955] 1 Q.B. 78), and the absent owner of a vehicle left unattended on a road (*Elliott* v. *Grey* [1960] 1 Q.B. 367). It seems, however, that "use" in road traffic law will generally not have too wide a meaning; all the passengers in an omnibus, in common parlance, "use" it but they should not be convicted if, unknown to them, it is not insured (*D* v. *Parsons* [1960] 1 W.L.R. 797).

### The meaning of "driver"

The Road Traffic Act, 1960, s. 257 (1), provides that, unless the context otherwise requires, "driver," where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" shall be construed accordingly. The definition expressly excepts the purposes of ss. 1 and 88. The former section relates to causing death by dangerous driving and s. 88 to parking offences in the street where a charge is made. The statutory definition is very limited in its meaning because it is concerned solely with vehicles which have two persons controlling the driving; it is a re-enactment of a definition in the Road Traffic Act, 1930, and it is submitted that the main justification for including it has now vanished. In the late nineteen-twenties the steam-wagon with a driver and fireman sitting in front was not uncommon on the roads, and it was suggested in *Wallace* v. *Major* [1946] K.B. 473, that the definition in the Act of 1930 was concerned with these two men. The only other kind of motor vehicle which, so far as is known, might have a separate steersman is that used by some driving schools, where there are two steering wheels, so that the instructor can retain control. As it was held in *Rubie* v. *Faulkner* [1940] 1 K.B. 571, that the instructor who fails to supervise his pupil properly can be prosecuted for aiding and abetting the latter's careless driving, it seems academic to pursue this matter; even in the case of the excepted ss. 1 and 88, the steersman or instructor could still, presumably, be prosecuted in most cases, if the facts warranted, for aiding and abetting the actual driver in his offence. Sometimes, however, the question may arise, in construing an insurance policy, whether a car can have more than one driver, e.g., where a policy requires a driver to be licensed or to have held a licence, and the person sitting in the driving-seat is not, and never has been, licensed, whilst his supervisor is licensed. On this point *Langman* v. *Valentine* [1952] W.N. 475, may be contrasted with *Evans* v. *Walkden* [1956] 1 W.L.R. 1019. In the former case the instructor sat by the driver and had his hands on the brake and steering-wheel and both he and the pupil, who was in the driving-seat, were held to be drivers. In *Evans* v. *Walkden* the supervisor sat next to the person in the driving-seat but the supervisor did not have his hand on the steering-wheel and could have reached the brakes only with difficulty. It was held that in those circumstances the supervisor was not a driver. In *R.* v. *Wilkins* (1951), 115 J.P. 443, quarter sessions held that there could be two drivers of a motor tractor, one in the driving-seat and the other standing by it and retaining effective control, and in *Marsh* v. *Moores* [1949] 2 K.B. 208, it was said obiter that an instructor who retained effective control by ability to operate the handbrake and instruct the pupil was also a driver.

It was held in *Wallace* v. *Major*, *supra*, that the person steering a motor vehicle which was being towed was not a "driver" of it; it was said that, to make him a driver, it must be shown that he was making the towed vehicle go. The argument that he was the steersman within the statutory definition just cited was rejected on the ground that that definition clearly contemplated two persons being in charge of the same vehicle. Presumably, the towed vehicle in such circumstances becomes a trailer and, if the driver of the towing vehicle drives in such a way that the trailer swings out to the offside of the road without its steersman being able to control it properly, the driver of the towing vehicle is guilty of dangerous or careless driving, just as he would be if he was towing a caravan, boat or other trailer.

A person who controls a motor vehicle by operating the brakes and steering wheel "drives" it even though the engine is never started (*Saycell* v. *Bool* [1948] 2 All E.R. 83). In this case the vehicle had gone down a hill for one hundred yards with the defendant at the steering wheel. *Semble*, if he had operated the brakes and other controls but the vehicle had not in fact moved, he would have been guilty of attempting to drive; the only attempted offences under the Road Traffic Act, 1960, which are triable summarily are attempting to drive whilst under the influence of drink or drugs, attempting to take and drive a motor vehicle without the owner's consent or other lawful authority and attempting to commit any other offence under the Act which is triable

## When testators ask your advice...

# Please remember St. Dunstan's

**For your convenience a specimen form of bequest is appended:**

*"I GIVE to St. Dunstan's, the Organisation for men and women blinded on war service, whose headquarters are at 191, Marylebone Road, London, for its general purposes the sum of £.....free of duty, the receipt of the Honorary Treasurer or the Secretary for the time being of St. Dunstan's to be a good discharge for the same."*

**St. Dunstan's continues to rely entirely on voluntary funds and has not been taken over under the National Health Service.**

*For further particulars write to*

THE LORD FRASER OF LONSDALE (Chairman)
St. Dunstan's, 1 South Audley Street, London, W.1

*St. Dunstan's is registered in accordance with the National Assistance Act 1948*

## THEY LOOK TO YOU FOR HELP

THERE is still all too much hardship among ex-soldiers and bereaved wives and children. Many are in financial difficulties. They must rely on the benevolent funds of Corps and Regimental Associations—which in turn rely on the Army Benevolent Fund, the central fund of all military charities.

This is a really good cause that *deserves* your support. When discussing charitable bequests with your clients—particularly those with an Army background—please recommend this Fund.

**Donations and legacies should be made payable to:**

## THE ARMY BENEVOLENT FUND

Patron: *Her Majesty the Queen*

**20 GROSVENOR PLACE, S.W.1. Tel: BELgravia 5639**

(Registered under the War Charities Act, 1940)

## HOMES OF ST. BARNABAS

(INCORPORATED)

THESE HOMES, founded in 1896, are for Retired Clergy of the Church of England. The Brethren pay according to their means.

Each Resident has a private sitting-room or a Bed sitting-room, and there are in addition separate rooms for those who become infirm, and a Ward for those who require medical attention, in charge of a qualified Sister.

The Homes adjoin Dormans Station (one hour from Victoria). Apart from the Public Rooms there is a Chapel, with daily Eucharist, Matins and Evensong, and a well stocked Library.

The upkeep of the Homes depends very largely on voluntary contributions by Legacy, Covenant, Donation or Subscription.

*All information will be given by:*

**The Reverend the Warden**
**Homes of S. Barnabas**
**Dormans, Lingfield, Surrey**

Bankers: C. Hoare & Co., 37 Fleet Street, E.C.4

## THERE IS A WEALTH

of advice and service given by the

## NATIONAL SUNDAY SCHOOL UNION

and

## CHRISTIAN YOUTH SERVICE

to all concerned with the upbuilding of Christian character.

### THERE IS A NEED

to satisfy an increasing demand for training from those who desire to make their concern for the young more effective.

### THERE IS A WAY

you can help. Donations, subscriptions and legacies will be gratefully acknowledged by the General Secretary

**NATIONAL SUNDAY SCHOOL UNION AND CHRISTIAN YOUTH SERVICE**

CENTRAL HALL BUILDINGS, DURNSFORD ROAD, WIMBLEDON, LONDON, S.W.19

" The Solicitors' Journal "
Friday, December 8, 1961

# THE DRIVING OF MOTOR VEHICLES

It is proposed to discuss in this article some of the later cases on the " driving " of " motor vehicles." Many offences under the Road Traffic Act, 1960, are committed by the person who " drives " a motor vehicle on a road, e.g., dangerous and careless driving contrary to ss. 2 and 3 of the Act and exceeding the speed limit contrary to s. 4. Other offences, however, are committed by the person who uses, or causes or permits a motor vehicle to be used on a road, e.g., under s. 201 of the Act (relating to insurance) or under the Motor Vehicles (Construction and Use) Regulations, 1955; the Road Transport Lighting Act, 1957, s. 12, imposes a penalty on a person who " causes or permits a vehicle to be on any road in contravention of . . . this Act . . . or otherwise fails to comply with any of [the relevant] provisions." The Vehicles (Excise) Act, 1949, s. 15 (1), as amended by the Finance Act, 1959, s. 10, strikes at a person who " uses or keeps " a motor vehicle on a public road. Yet another variation is found in reg. 16 (3) (*a*) of the Motor Vehicles (Driving Licences) Regulations, 1950, under which an offence arises if the holder of a provisional driving licence " uses it " when not under the proper supervision.

" Motor vehicle " is the term used in the Road Traffic Act, 1960, and " mechanically propelled vehicle " is that in the Vehicles (Excise) Act; the definition in s. 253 (1) of the Act of 1960 (referred to below) shows that " motor vehicle " means a mechanically propelled one. The Road Transport Lighting Act, 1957, is concerned mainly with " vehicles."

### Using and driving

Many cases have been decided on the meaning of the terms " use," " cause " and " permit " in road traffic statutes and regulations. They will not be discussed in this article as it is concerned with " driving," a term with the more limited meaning, as will be seen, of the control of the brakes and steering-wheel. Frequently, of course, the user could also be prosecuted as the driver if he had committed an offence for which a statute makes the " driver " responsible, but " use " is a wider term including the absent owner of a vehicle being used on a road with his permission and for his purposes (*Green* v. *Burnett* [1955] 1 Q.B. 78), and the absent owner of a vehicle left unattended on a road (*Elliott* v. *Grey* [1960] 1 Q.B. 367). It seems, however, that " use " in road traffic law will generally not have too wide a meaning; all the passengers in an omnibus, in common parlance, " use " it but they should not be convicted if, unknown to them, it is not insured (*D* v. *Parsons* [1960] 1 W.L.R. 797).

### The meaning of " driver "

The Road Traffic Act, 1960, s. 257 (1), provides that, unless the context otherwise requires, " driver," where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and " drive " shall be construed accordingly. The definition expressly excepts the purposes of ss. 1 and 88. The former section relates to causing death by dangerous driving and s. 88 to parking offences in the street where a charge is made. The statutory definition is very limited in its meaning because it is concerned solely with vehicles which have two persons controlling the driving; it is a re-enactment of a definition in the Road Traffic Act, 1930, and it is submitted that the main justification for including it has now vanished. In the late nineteen-twenties the steam-wagon with a driver and fireman sitting in front was not uncommon on the roads, and it was suggested in *Wallace* v. *Major* [1946] K.B. 473, that the definition in the Act of 1930 was concerned with these two men. The only other kind of motor vehicle which, so far as is known, might have a separate steersman is that used by some driving schools, where there are two steering wheels, so that the instructor can retain control. As it was held in *Rubie* v. *Faulkner* [1940] 1 K.B. 571, that the instructor who fails to supervise his pupil properly can be prosecuted for aiding and abetting the latter's careless driving, it seems academic to pursue this matter; even in the case of the excepted ss. 1 and 88, the steersman or instructor could still, presumably, be prosecuted in most cases, if the facts warranted, for aiding and abetting the actual driver in his offence. Sometimes, however, the question may arise, in construing an insurance policy, whether a car can have more than one driver, e.g., where a policy requires a driver to be licensed or to have held a licence, and the person sitting in the driving-seat is not, and never has been, licensed, whilst his supervisor is licensed. On this point *Langman* v. *Valentine* [1952] W.N. 475, may be contrasted with *Evans* v. *Walkden* [1956] 1 W.L.R. 1019. In the former case the instructor sat by the driver and had his hands on the brake and steering-wheel and both he and the pupil, who was in the driving-seat, were held to be drivers. In *Evans* v. *Walkden* the supervisor sat next to the person in the driving-seat but the supervisor did not have his hand on the steering-wheel and could have reached the brakes only with difficulty. It was held that in those circumstances the supervisor was not a driver. In *R.* v. *Wilkins* (1951), 115 J.P. 443, quarter sessions held that there could be two drivers of a motor tractor, one in the driving-seat and the other standing by it and retaining effective control, and in *Marsh* v. *Moores* [1949] 2 K.B. 208, it was said obiter that an instructor who retained effective control by ability to operate the handbrake and instruct the pupil was also a driver.

It was held in *Wallace* v. *Major*, *supra*, that the person steering a motor vehicle which was being towed was not a " driver " of it; it was said that, to make him a driver, it must be shown that he was making the towed vehicle go. The argument that he was the steersman within the statutory definition just cited was rejected on the ground that that definition clearly contemplated two persons being in charge of the same vehicle. Presumably, the towed vehicle in such circumstances becomes a trailer and, if the driver of the towing vehicle drives in such a way that the trailer swings out to the offside of the road without its steersman being able to control it properly, the driver of the towing vehicle is guilty of dangerous or careless driving, just as he would be if he was towing a caravan, boat or other trailer.

A person who controls a motor vehicle by operating the brakes and steering wheel " drives " it even though the engine is never started (*Saycell* v. *Bool* [1948] 2 All E.R. 83). In this case the vehicle had gone down a hill for one hundred yards with the defendant at the steering wheel. *Semble*, if he had operated the brakes and other controls but the vehicle had not in fact moved, he would have been guilty of attempting to drive; the only attempted ences under the Road Traffic Act, 1960, which are triable summarily are attempting to drive whilst under the influence of drink or drugs, attempting to take and drive a motor vehicle without the owner's consent or other lawful authority and attempting to commit any other offence under the Act which is triable

# Christmas Appeals

## When testators ask your advice...

# Please remember St. Dunstan's

**For your convenience a specimen form of bequest is appended:**

*"I GIVE to St. Dunstan's, the Organisation for men and women blinded on war service, whose headquarters are at 191, Marylebone Road, London, for its general purposes the sum of £.....free of duty, the receipt of the Honorary Treasurer or the Secretary for the time being of St. Dunstan's to be a good discharge for the same."*

**St. Dunstan's continues to rely entirely on voluntary funds and has not been taken over under the National Health Service.**

*For further particulars write to*

THE LORD FRASER OF LONSDALE (Chairman)
St. Dunstan's, 1 South Audley Street, London, W.1

*St. Dunstan's is registered in accordance with the National Assistance Act 1948*

## THEY LOOK TO YOU FOR HELP

THERE is still all too much hardship among ex-soldiers and bereaved wives and children. Many are in financial difficulties. They must rely on the benevolent funds of Corps and Regimental Associations—which in turn rely on the Army Benevolent Fund, the central fund of all military charities.

This is a really good cause that *deserves* your support. When discussing charitable bequests with your clients—particularly those with an Army background—please recommend this Fund.

**Donations and legacies should be made payable to:**

## THE ARMY BENEVOLENT FUND

Patron: *Her Majesty the Queen*

**20 GROSVENOR PLACE, S.W.1. Tel: BELgravia 5639**

(Registered under the War Charities Act, 1940)

## HOMES OF ST. BARNABAS

(INCORPORATED)

THESE HOMES, founded in 1896, are for Retired Clergy of the Church of England. The Brethren pay according to their means.

Each Resident has a private sitting-room or a Bed sitting-room, and there are in addition separate rooms for those who become infirm, and a Ward for those who require medical attention, in charge of a qualified Sister.

The Homes adjoin Dormans Station (one hour from Victoria). Apart from the Public Rooms there is a Chapel, with daily Eucharist, Matins and Evensong, and a well stocked Library.

The upkeep of the Homes depends very largely on voluntary contributions by Legacy, Covenant, Donation or Subscription.

*All information will be given by:*

**The Reverend the Warden**
**Homes of S. Barnabas**
**Dormans, Lingfield, Surrey**

Bankers: C. Hoare & Co., 37 Fleet Street, E.C.4

## THERE IS A WEALTH

of advice and service given by the

## NATIONAL SUNDAY SCHOOL UNION

and

## CHRISTIAN YOUTH SERVICE

to all concerned with the upbuilding of Christian character.

### THERE IS A NEED

to satisfy an increasing demand for training from those who desire to make their concern for the young more effective.

### THERE IS A WAY

you can help. Donations, subscriptions and legacies will be gratefully acknowledged by the General Secretary

**NATIONAL SUNDAY SCHOOL UNION AND CHRISTIAN YOUTH SERVICE**

CENTRAL HALL BUILDINGS, DURNSFORD ROAD, WIMBLEDON, LONDON, S.W.19

either summarily or on indictment. A passenger who steers a car in an emergency in the driver's absence also is deemed to be a driver of it (*R.* v. *Kitson* (1955), 39 Cr. App. R. 66). Where an unlicensed person had ridden an auto-assisted pedal cycle without starting the engine, it was held that he had "driven" it by causing it to move and it was immaterial whether it moved by pedalling or because he had started the motor (*Floyd* v. *Bush* [1953] 1 W.L.R. 242). In *Collyer* v. *Dring* (1953, unreported) the Divisional Court held that a person who was driving a car off the road and went on it unintentionally through getting into reverse by mistake "drove" on the road notwithstanding that she never intended to go on the road. In a case noted in the *Journal of Criminal Law* (1956), p. 5, a metropolitan magistrate held that a person in the passenger seat who unintentionally caused a car to move forward by interfering with the controls was a driver of it. The defendant had deliberately touched them and it might be different if he had accidentally done so. Finally, in *Shimmell* v. *Fisher* [1951] 2 All E.R. 672, three men were charged with taking and driving away a motor vehicle without the owner's consent or other lawful authority contrary to (what is now) s. 217 of the Road Traffic Act, 1960. One of them released the handbrake of a parked lorry and held the steering wheel while the other two pushed; with the help of an incline, the vehicle moved a few yards but the engine was never started. It was held that all three were guilty. In a brief judgment, Lord Goddard, C.J., said on this point: "'Driving away' (in s. 217) must be construed as causing the vehicle to move, and so a motor vehicle can be said to be driven if somebody pushes and somebody steers and thus it is made to move from the place where it has been standing. That satisfies the word 'away'." The offence being a misdemeanour, all three men were principals; consequently, it was unnecessary to decide whether the two pushers were aiding and abetting or actually driving. Anyhow, there was a common purpose. Clearly, the man who held the steering wheel was driving the vehicle when it moved but it is submitted that the case is not an unassailable authority for saying that a person who pushes a car from the side or behind, without being able to control the steering or reach the brake, is therefore a driver.

**Pushing motor vehicles as driving**

The last point requires further consideration, especially as charges are sometimes brought against persons who have been disqualified from driving and have been caught pushing motor vehicles. Supposing that one Smith has been so disqualified, it presumably would be fantastic to say that he would ever be charged with driving while disqualified if he joined with other volunteers in pushing from behind a stranded motor vehicle. He might, however, when alone, push a motor cycle for a short way or join with another in pushing a car or van. On the authority of *Shimmell* v. *Fisher*, *supra*, he would seemingly be guilty of driving a motor cycle even if he walked along wheeling it; he certainly would be guilty if he mounted it and caused it to move without starting the engine (*Saycell* v. *Bool*, *supra*), subject to the possible defence under the mischief rule mentioned below. Again, if he alone moved a car, he would have to do so, if he walked outside pushing it, by controlling the steering and brake and so again he would be "driving" it. Likewise, if he controlled the steering and brake and a friend pushed or helped him to push the car, Smith would, it is submitted, be guilty of driving whilst disqualified, but his friend would not be criminally liable for aiding and abetting him so to drive unless the friend knew of the disqualification. But let us now suppose that the friend is operating the steering and brakes—whether he is pushing or sitting on the driver's seat matters not—and Smith is pushing the car in a position where he cannot control either steering or brakes. It seems much more doubtful if Smith can be said to be driving in such circumstances. In *Shimmell* v. *Fisher*, *supra*, there was a common purpose to do an unlawful act, viz., to take and drive away a lorry; in the instance cited, the only common purpose is to do a lawful act of moving a car under the control of a friend. The latter can stop the car whenever he likes by applying the brake and so nullify all Smith's efforts to move it. Smith is not controlling the car's movement and surely he is not, therefore, driving it; he is merely providing additional or alternative energy for the person who has the control of the vehicle. Certainly it could hardly be said that Smith was driving if the friend had got into the driving-seat and started the engine, so that the vehicle was moving under its own power even though the motive force of Smith's push was being added. However, even where Smith, either alone or with help, was controlling the brake and steering of a car or motor cycle in motion by pushing, it can be argued that the mischief aimed at by the Road Traffic Act in penalising careless driving or driving under a disqualification is not that arising from pushing a motor vehicle for a few yards. *Saycell* v. *Bool*, *supra*, shows that it is an offence to cause a vehicle to run down hill for one hundred yards and that decision, it is submitted, is entirely correct on the facts, having regard to the distance travelled, the speed at which the vehicle must have moved and the space occupied on the highway. But it is surely a different matter where a vehicle is pushed on the level only two or three yards, at a minimum speed and with far less risk to other road users than a lorry free-wheeling downhill entails. The Act, it is argued, is meant to deal with the risks that arise when the motor is started and a vehicle becomes capable of going at high speeds; merely to push a motor vehicle, without starting the engine, is no more dangerous than to push a laden handcart or (except for size and weight) a pram. The disqualified driver can push handcarts and drive drays without infringing the law, and he should not be prosecuted, on this argument, merely because he pushes a motor vehicle instead of another type of carriage.

To this argument there is the reply that the Highway Act, 1835, strikes at negligence in the management of all types of vehicles on public roads and that, as regards careless and dangerous driving, it is quite appropriate that the charge should be brought under the Act which deals with motor vehicles, just as the charge of mismanagement of a dray is brought under the Act of 1835. Further, the Road Traffic Act in some sections, e.g., dangerous cycling and disobeying traffic signs, itself relates to other vehicles besides motors. In regard to driving whilst disqualified, however, the arguments in this paragraph are less applicable and it is submitted that the High Court might well hold that the mischief aimed at in disqualifying a driver is that he should not be in a position where he uses or can use the engine, and, if he is merely controlling by pushing or being pushed otherwise than in the driving-seat, he commits no offence. There might even be the possible qualification that, where he is in the driving-seat, the shortness of the journey and the fact that the motive power is supplied by someone else would still exempt him from guilt.

In *R.* v. *Spindley* [1961] Crim. L.R. 486, quarter sessions held, however, that the fact that propulsion came from a

pusher and not from the force of gravity was immaterial; the defendant, who was a disqualified driver, had sat in the driving-seat, controlling the steering and clutch, while another person pushed this van for a short way. In a case noted at 104 SOL. J. 218, a metropolitan magistrate was clearly doubtful if pushing a motor vehicle was driving it whilst disqualified. In a case reported in the daily Press in October, 1961, the Middlesex Quarter Sessions held that, where one man operated the steering of a motor vehicle and another pushed the vehicle, the first man was guilty, and the second not guilty, of driving while disqualified. In *R.* v. *Spindley*, it was held further that the facts of the case, while showing that the defendant had driven whilst disqualified, were special circumstances justifying the non-imposition of imprisonment. Normally, if a person drives whilst disqualified, he must be sent to prison for that offence unless there are "special circumstances." The shortness of a journey, the quietness of the road and the fact that a defendant was only pushing or being pushed would generally, it seems, be factors aiding the defence in submitting that there were special circumstances.

Pushing a motor vehicle would be "using" it, so that insurance cover under s. 201 of the Road Traffic Act, 1960, would be required (*Elliott* v. *Grey* [1960] 1 Q.B. 367). However, as in that decision it was held that merely leaving the car in the road was using it, it is really immaterial, so far as s. 201 and many other "use" provisions are concerned, whether the vehicle is moved or not.

**Taking or attempting to take motor vehicles**

In *Shimmell* v. *Fisher*, supra, the defendants, who had pushed a lorry a short way without starting its engine, were convicted of taking and driving it away. Sometimes it will be difficult for a prosecutor to know whether a defendant has gone so far as to take and drive away a motor vehicle in breach of s. 217 of the Road Traffic Act, 1960, or whether he has only committed the offence of attempting to take it. *Semble*, even a very slight movement of the vehicle will constitute the complete offence but the evidence whether there has been movement of the vehicle may be difficult to get where the defendant has been caught in the act. Both the full offence and the attempt can properly be charged before magistrates, as the latter cannot convict of an attempt on a charge of the full offence. The Criminal Procedure Act, 1851, s. 9, allowing a conviction for the attempt where the full offence is charged, applies only to trial on indictment. It seems that, where the attempt only is charged and the full offence is proved, the defendant cannot be convicted either on indictment or in a magistrates' court (*Rogers* v. *Arnott* [1960] 2 Q.B. 244), but this decision is criticised in a learned article by Professor J. C. Smith at p. 436 of the *Criminal Law Review*, 1961. True, the difficulties of deciding whether to charge the full offence of taking and driving away or only an attempt thereat can be overcome by charging the defendant with both and letting the court convict on the one which the evidence finally discloses, but, in summary proceedings, the defendant can refuse to have them tried together. If he does so and is acquitted on the one charge, the question would arise whether he could plead *autrefois acquit* when the second charge was put to him; Professor Smith's article will be found helpful as to this also, though there is the difference that both the offence under s. 217 and the attempt are misdemeanours. In *Rogers* v. *Arnott*, *supra*, the full offence was a felony. In *R.* v. *Males*, p. 891, *ante*, it was held that, where on a trial on indictment for attempted housebreaking the facts showed the full offence, the defendant was not entitled to acquittal.

A procedural point to note in summary proceedings is that the defendant has no right of election for the full offence under s. 217 but that his consent is required before the attempt can be tried by magistrates. Should he refuse it, both offences, however, can be committed for trial. A third string to the prosecutor's bow in these cases will be found in s. 218 of the Act of 1960. That section imposes a fine of £20 (£50 or three months' imprisonment on second or subsequent conviction) on a person who, without lawful authority or reasonable cause, gets on a motor vehicle or tampers with its brake or mechanism, provided the vehicle is on a road or parking place provided by a local authority.

**Driving in a state of automatism**

The defence may sometimes be raised that the driver was not responsible for his acts of driving because he was ill or unconscious. In *Hill* v. *Baxter* [1958] 1 Q.B. 277, it was held that the provisions of the Road Traffic Act relating to dangerous driving and disobeying traffic signs convey absolute prohibitions. If a person is at the driving-seat of a motor vehicle and that vehicle does something in breach of those provisions, he is guilty unless he can produce some evidence that he could not be said to be controlling the vehicle because he was in a coma or having a fit. Being hit on the head by a stone or being attacked by a swarm of bees (or even one little bee) might easily cause a driver to lose control of his vehicle temporarily and at that time he would not be responsible in the criminal law for his actions and those of his vehicle. Again, if he became unconscious because of an epileptic fit or some disease, he would, whilst in the fit or coma, likewise not be responsible. But if he felt an epileptic fit or illness coming on, a driver should stop and, if he goes on driving, he may be guilty of dangerous and careless driving, just as he would be if he felt sleep overtaking him and he continued to drive and met with an accident in consequence (*Kay* v. *Butterworth* (1945), 110 J.P. 75; *Henderson* v. *Jones* (1955), 119 J.P. 304). In *R.* v. *Sibbles* [1959] Crim. L.R. 660, Paull, J., observed that, if a man knew he had high blood pressure, it would be no defence if he deliberately took drink and raised his pressure so that he got a dizzy spell whilst driving, and the learned judge also said that a man who knew he was subject to dizzy spells or blackouts would have no defence on that score if he did in fact drive dangerously whilst in a spell or blackout. The number of cases in which such a defence can successfully be raised is probably small—indeed, one hopes that there are not many people liable to sudden fits and blackouts driving anyhow—and raising such a defence can have an additional peril for the defendant because the licensing authority can revoke the driving licence of a person who suffers from a disease or physical disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public (Road Traffic Act, 1960, s. 100 (6)).

In *R.* v. *Budd* (1961), *The Times*, 8th November, the Court of Criminal Appeal held that, where the defence of automatism had been advanced on a charge of dangerous driving and it was supported by evidence of sufficient substance to merit consideration by the jury, then the onus on the prosecution of proving the case would not be discharged unless the jury, after considering that explanation, were sure that guilt in regard to that offence was established so that they were left in no reasonable doubt. A direction to the jury that the burden of establishing the defence of automatism was on the accused was said to be wrong.

**Mechanical defects**

In *R.* v. *Spurge* [1961] 3 W.L.R. 23; p. 469, *ante*, the full Court of Criminal Appeal held that it is a defence to a charge

# YOUR HELP IS NEEDED

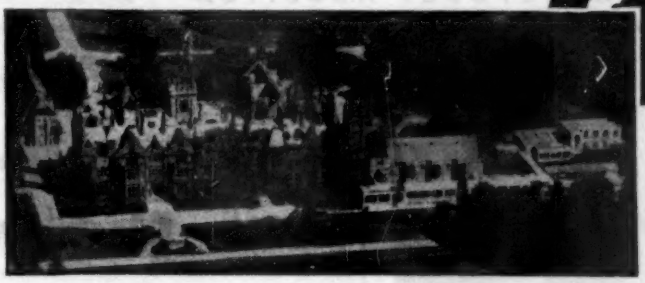
Since its foundation, in 1827, several thousand orphans of Merchant Seamen have been cared for, educated, and set up in life.

*Patron :*
HER MAJESTY THE QUEEN

*President :*
H.R.H. THE PRINCE PHILIP, DUKE OF EDINBURGH

*Hon. Treasurer :*
The Rt. Hon. THE LORD STRATHALMOND, C.B.E., LL.D.

*Chairman :*
P. K. DEVITT, Esq., D.L.



The assured income does not meet the expenditure. New subscribers are urgently needed to bridge the gap. Please show your appreciation of our merchant Seamen by sending donations or subscriptions to the SECRETARY, R.M.N.S., Bear Wood, Wokingham, Berks.

*The illustration on the left shows the Royal Merchant Navy School, Bear Wood*

## THE ROYAL MERCHANT NAVY SCHOOL

Bear Wood, Wokingham, Berks

*Maintained by voluntary subscriptions. NOT State-aided*

---

## THE ROYAL SOCIETY OF MEDICINE

PATRON: H.M. THE QUEEN

**Founded 1805; First Royal Charter 1834; Supplemental Charter 1907**

The Royal Society of Medicine is the leading medical society in the world, and its activities cover the whole field of clinical medicine and surgery and the allied sciences. It provides for doctors and investigators throughout the country, and for others overseas, services on which research and practice largely depend. In particular, its library is the only really comprehensive medical library in the British Isles and is of vital, national importance.

The Society is registered as a charity, and it receives no support from public funds.

Those who have the cause of medical research and progress at heart cannot do better than support the Royal Society of Medicine by gift or legacy. These may be restricted or unrestricted as to use, both as regards capital and income; and they can perpetuate, in an appropriate place and manner, the memory of the donor or of someone whom the donor wishes to honour.

Further particulars will be supplied gladly by MR. R. T. HEWITT, Secretary of the Society, 1 WIMPOLE STREET, LONDON, W.1.

# Christmas Appeals

## THE SAILORS' CHILDREN'S SOCIETY

NEWLAND · HULL · TELEPHONES 42331 & 42332

PATRON: HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

- ★ Founded in 1821, the Society has cared for over 6,000 seamen's orphaned children.
- ★ Last year nearly 600 children benefited from our help.
- ★ Where practicable, financial support is given to widows so that they may keep their children at home.
- ★ Children are admitted to the Society's Homes at Newland from all parts of the British Isles with a minimum of formality and regardless of race or creed.
- ★ The Society is not nationalised and not State supported. Visitors are welcome at any time on application to the Secretary.

*Donations and Subscriptions Urgently Needed*

**LEGACIES MOST GRATEFULLY RECEIVED**

---

The aim of this Society is to bring consolation and renewed happiness into the lives of those who are bedridden or house-bound and yet are too poor to buy a wireless set . . . to give them some relief from the deadly boredom which so often mars their lives . . . to keep them in touch with the outside world—with Religion, Music and Entertainment.

Since its foundation in 1939 the Society has provided free wireless facilities in cities, towns and remote villages throughout Great Britain and Northern Ireland.

Full details of the Society's activities are available from the Secretary who will also be pleased to supply Deed of Covenant forms, Bankers orders or Bequest forms.

## WIRELESS FOR THE BEDRIDDEN SOCIETY

*President:* His Grace the Archbishop of Canterbury

***20 Wimpole Street, W.1*** ***Telephone: WELbeck 0949***

*(Registered in accordance with the National Assistance Act, 1948)*

---

# Christ the hope of the world

In some fifty dioceses overseas, the Anglican Church looks to the Society for the Propagation of the Gospel in Foreign Parts for support.

The S.P.G., which is the oldest British missionary-sending Society, contributes to the welfare of all mankind by preaching, healing and teaching. By caring for bodies as well as souls it brings nearer the peace for which humanity longs.

Its work extends from the West Indies to Africa, Madagascar, Mauritius, India, Pakistan, Burma, Borneo, Malaya, Singapore, Oceania, Korea and Japan.

**Your legacy or subscription can bring new hope to those who still sit in darkness.**

## S. P. G. House

15 TUFTON ST., LONDON, S.W.1

TEL.: ABBEY 7358

---

**WHEN MAKING YOUR WILL please remember the Urgent Needs of**

## THE CRUSADE OF RESCUE

### AND HOMES FOR DESTITUTE CATHOLIC CHILDREN

***This Society depends entirely upon Charity for its support. It is not Nationalised—nor Subsidised***

***WE ARE A REGISTERED ADOPTION SOCIETY***

*Please write for a Form of Bequest to*

**The Administrator, The Rt. Revd. Mgr. Canon Charles B. Flood, 73 St. Charles Square, Ladbroke Grove, W.10**

of dangerous or careless driving that the driver, without fault of his own, was deprived of the control of his vehicle by a mechanical defect therein of which he did not know and which was not such that he should have discovered it if he had exercised reasonable prudence. It was said that there was no real distinction between losing control of a car because of a fit or being struck by a stone and losing control because of some defect suddenly manifesting itself in the car. Salmon, J., in delivering the court's judgment, added that the defence would not apply where the defect was known to the driver or should have been discovered by him if he had exercised reasonable prudence. On the facts of the case the conviction was upheld, as the defendant had known of the tendency of his brakes to pull the car sideways if applied vigorously and nevertheless he had applied them rather fiercely and caused an accident. The judgment also deals with the burden of proof of the defence of mechanical defect. If the Crown proves dangerous driving, the defendant cannot submit that there is no case to answer on the ground that the Crown has not negatived the defence of mechanical defect, but, once such defence has been put forward, it must be considered along with the other evidence. If his explanation leaves a doubt in the mind of the jury, he is entitled to acquittal.

It is not entirely clear, however, to what extent the Crown must negative the defence of mechanical defect once it has been raised. Magistrates must not theorise about the causes of an accident by assuming, without evidence, that a car's steering-column must have broken just before an accident (*Johnson* v. *Fowler* [1959] Crim. L.R. 463), nor must they give effect to fanciful doubts in the defendant's favour that he must have been hit by a stone or a bird, without any evidence to that effect (*Oakes* v. *Foster* [1961] Jo. Crim. L. 238). If, to take a hypothetical case, a defendant, after a collision, says to the policeman at the scene: "When I applied my footbrake, nothing happened. The brakes were all right when I began my journey," but he calls and gives no evidence at his trial as to this, must the prosecutor have negatived that defence so as to preclude the magistrates from feeling any reasonable doubt as to the cause of the accident? It is submitted that the two cases just cited, both decisions of the Divisional Court, show that the defendant's *ipse dixit in loco* is insufficient; he must give or call evidence as to the defect sufficient to raise a reasonable doubt in the justices' minds as to why the accident occurred. Such evidence, of course, could be that of a policeman called by the prosecution who tested the car and found the brakes defective. If they were not tested or the damage was too great for testing, the defendant's evidence to support the remark made at the time could, it is submitted, raise enough doubt in his favour in the magistrates' minds, so long as they regarded him as a truthful witness and there was no evidence of his knowledge or grounds for suspicion of a defect until the moment of the accident.

The defence of mechanical defect obviously applies to charges of careless or inconsiderate driving and to like conduct by cyclists. In *Levy* v. *Hockey*, p. 157, *ante*, a civil case, Nield, J., said, obiter, that a latent defect in a vehicle might excuse compliance with reg. 4 of the Pedestrian Crossings Regulations, 1954, which requires precedence to be afforded to a pedestrian on an uncontrolled crossing. If the defect was unknown to the driver and was not of such a nature that he should have discovered it earlier, *R.* v. *Spurge*, *supra*, suggests that the learned judge's dictum is right and would apply to offences of disobeying traffic signs also. If the defect was known or should have been discovered, it seems, on the same reasoning, that the driver who has driven knowing that he may have difficulty in stopping at lights or crossings is guilty if the defect prevents him from doing so.

### Drink and dangerous driving

Another recent decision of the full Court of Criminal Appeal, which has settled a question on which there had previously been a conflict of opinion, is *R.* v. *McBride* [1961] 3 W.L.R. 549; p. 572, *ante*. The appellant was charged with causing death by dangerous driving and there was no charge of driving under the influence of drink. Evidence was admitted before the jury that he had "drink taken." Ashworth, J., giving the judgment of the Court of Criminal Appeal, said:—

> "Juries are frequently invited to consider the matter of dangerous driving from the point of view of an imaginary person who could see what happened and thus make up his mind whether in all the circumstances the accused was driving dangerously . . . but cases may arise in which a bystander, however observant, would not be aware of all the circumstances relevant to the issue whether the accused was driving dangerously. For example, he would be unaware of the condition of the driver in regard to sleepiness or the effect of drink. Dangerous driving may occur without a collision or without any indication from the speed or movement of the vehicle that the driving of it was in the circumstances dangerous . . .
>
> "In the opinion of this court, if a driver is adversely affected by drink, this fact is a circumstance relevant to the issue whether he is driving dangerously. Evidence to this effect is of a probative value and is admissible in law. In the application of this principle two further points should be noticed. In the first place, the mere fact that the driver had had drink is not of itself relevant; in order to render evidence as to the drink taken by the driver admissible, such evidence must tend to show that the amount of drink taken was such as would adversely affect a driver, or, alternatively, that the driver was in fact adversely affected. Secondly, there remains in the court an over-riding discretion to exclude such evidence if in the opinion of the court its prejudicial effect outweighs its probative value. It is impossible to lay down any general rule as to the way in which this discretion should be exercised, as each case must be considered in the light of its own particular facts, but in the opinion of this court, if such evidence is to be introduced, it should at least appear of substantial weight. In the present case the evidence as to the appellant's condition in regard to drink was clearly of substantial weight and, in the opinion of this court, the learned judge rightly exercised his discretion in admitting it."

Ashworth, J., went on to reject a suggestion that evidence as to drink taken by a driver could only be adduced by the prosecution by way of rebuttal of a defence that through no fault of his own the driver was not in control of the vehicle. He added that the court, without wishing to give any general direction, was of the opinion that a charge of driving under the influence of drink or drugs contrary to s. 6 of the Road Traffic Act, 1960, should not be included in an indictment containing a charge of causing death by dangerous driving under s. 1 of that Act (or, *semble*, of motor manslaughter) but that it was proper to couple a charge under s. 6 with one of dangerous driving under s. 2 if the evidence regarding the influence of drink on the driver was such as to justify it.

### What evidence of drink?

The learned judge's remarks provide a guide as to the admission of evidence of the accused having had drink in charges before magistrates of dangerous and careless driving and as to the propriety of coupling charges under s. 2 or s. 3 (careless driving) and s. 6 when tried summarily, though the defendant's right to insist that one charge only be tried at a time by magistrates should be remembered. No doubt, the same principles as to admission of evidence of drinking will apply; in particular, the evidence must tend to show that

the amount of drink taken was such as would adversely affect a driver or did in fact adversely affect him. Evidence, then, merely that his breath smelt of alcohol or that he had been to one public-house for a short while should not, it is submitted, generally be allowed, for it would scarcely tend to show, alone, that he had been adversely affected unless it were coupled with other evidence, e.g., that he had had, in his short stay at a public-house, three double whiskies. Drinking a very small amount of alchohol can make one's breath smell of it, but with most people it would not affect their driving adversely at all. Instances where evidence of the accused having had drink was admitted are in *R.* v. *McBride*, *supra*, where there was sufficient evidence as to the appellant's condition and as to the drink he had taken to justify a charge under s. 6; *R.* v. *Richardson* [1960] Crim. L.R. 135, where there was proof that Richardson had been to certain public-houses and had taken drink prior to an accident; and *R.* v. *Fisher*, ibid., where there was evidence that Fisher had spent practically the whole day in various public-houses and had been deemed unfit to drive by an intending passenger. Prosecutors and magistrates will have to be guided by the facts of each case in deciding whether the evidence of drinking is of substantial weight. Where the police surgeon has certified a case as a borderline one or there is evidence from police officers that the accused was affected by drink, in the well-known terms of "glassy eyes, slurred speech and unsteady movements," or there is evidence of the nature given in the three cases just cited, then generally such evidence would seem to be admissible, subject to the court's overriding discretion to exclude it if its prejudicial effect outweighs its probative value.

While a jury can be ordered out of court while argument is heard as to the admissibility of this type of evidence, the argument in a magistrates' court must of necessity be before the magistrates, who will know of the existence of the proposed evidence even if they decide to reject it. This imposes a handicap on the defence, for no one can say what prejudicial effect a suggestion of the accused having had drink may have on individual magistrates even where they reject the giving of such evidence. One hopes that the militant teetotaller, in whose mind a person who takes a drink is damned, as it were, by the very fact of drinking, is rare on the Bench, but there is also the broad-minded teetotaller who, while not disapproving of drink, nevertheless has an exaggerated opinion of the effect which even a small quantity of alcohol can have upon a person. The dilemma of the defence can be resolved by seeking trial before another Bench or by electing in the first instance to go for trial by jury (a course possible on a charge of dangerous driving but not on one of careless driving) but neither course is a wholly satisfactory answer. Happily, however, it may be considered that the majority of magistrates will not anyhow be prejudiced by the mention of drink and a convicted person can always seek a second run on appeal, where the objectionable evidence may, after all, be excluded and perhaps, if rejected by the magistrates at the first instance, not even mentioned.

The principles laid down in *R.* v. *McBride* presumably apply to cases where the accused has taken a drug such as insulin or one of the many pills now in use and to cases where he was under some other influence, such as that of acute pain or even emotional strain. In so far, however, as Ashworth, J., said that dangerous driving may occur without a collision or without any indication from the speed or movement of a vehicle that its driving was in the circumstances dangerous, it is submitted that this does not mean and was never meant to mean that a charge of dangerous or careless driving can be sustained by proof merely that the driver had been to public-houses, without more. In *R.* v. *Ward* [1954] Crim. L.R. 940, it was held that the fact that the driver is under the influence of drink so as to be incapable of having proper control is not of itself evidence of dangerous driving; dangerous driving has to be considered objectively having regard to what he is doing with the vehicle which he is driving. Normally, a case of dangerous or careless driving is established by proof of an accident caused by the accused or his excessive speed or failure to drive in a normal manner, e.g., by overtaking on corners or going to the wrong side or over crossroads without precautions, but there can be cases where none of these is shown. Such would be those of a car pursuing a normal course but with evidence that the driver had an arm round his passenger or was gazing into shop windows.

**What is a motor vehicle?**

To sustain a charge under s. 1, 2, 3 or 6 of the Road Traffic Act, 1960, there must be evidence that the defendant was driving or (under s. 6 (2)) in charge of a "motor vehicle." Courts normally accept without question that cars, buses, motor-cycles and lorries are within s. 253 of the Road Traffic Act, 1960, which defines a motor vehicle as a mechanically propelled vehicle intended or adapted for use on roads. Mechanical propulsion includes not only propulsion by the internal combustion engine but also by steam or electricity, but s. 254 declares that certain pedestrian-controlled vehicles shall not be treated as being motor vehicles and s. 259 excludes the application of certain sections of the Act to trams and trolley vehicles. And, no doubt, when the march of civilisation brings us a nuclear device intended or adapted for use as a vehicle on a road, that type of vehicle will also fall within the Road Traffic Act. In *Daley* v. *Hargreaves* [1961] 1 W.L.R. 487; p. 111, *ante*, the question was whether a Muir Hill dumper propelled by mechanical power found on a road was "intended or adapted for use on roads." The dumpers were fitted with mechanically-operated scoops but had no windscreens, lamps, reflectors, horns, wings, direction indicators, speedometers or mirrors. They had been engaged on work on a site in the vicinity of the road and their main use obviously would be doing work on sites. There was no evidence to show how the dumpers reached the site nor to indicate whether or not they were suitable to be driven along roads in transit or to carry materials from one building site to another. The High Court, following *MacDonald* v. *Carmichael* 1941 S.C.(J.) 27, held that on the facts adduced there was no evidence sufficient to show that the dumpers were intended or adapted for use on roads, but Salmon, J., added that this conclusion would probably have been different if there had been evidence to show that the dumpers were reasonably suitable for being driven along the public roads in transit or to carry material from site to site. The intention (as to use on roads) need not be that of the manufacturer alone. "It may be," said the learned judge, "that the Legislature had no particular person's intention in view, whether manufacturer's, wholesaler's, retailer's, owner's or user's [and that] 'intended for use on roads' may mean no more than suitable or apt for use." Lord Parker, C.J., in agreeing with Salmon, J., said that in another case on fuller evidence the court would be able to say that dumpers of this kind were clearly motor vehicles intended or adapted for use on the road. In a case noted in the *Journal of Criminal Law*, July, 1961, a metropolitan magistrate applied these last remarks in a case where a

## WHAT DO YOU KNOW ABOUT

# HAEMOPHILIA?

**DO YOU KNOW** that Haemophilia is an hereditary condition of the blood which causes haemorrhages internally and in the joints?

**DO YOU KNOW** that these haemorrhages can cause severely crippled limbs?

**DO YOU KNOW** that this leads in many cases to interrupted education and eventual difficulties in obtaining and keeping employment?

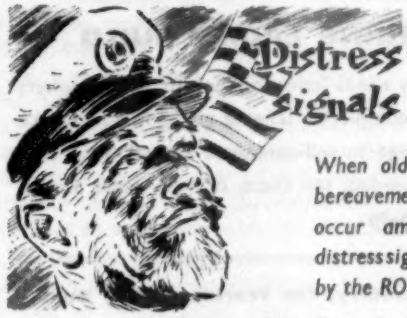
**THE HAEMOPHILIA SOCIETY** is a voluntary organisation working to help all Haemophilics to solve these and many other problems.

**PLEASE HELP**
**THE HAEMOPHILIA SOCIETY**

**94 SOUTHWARK BRIDGE ROAD**
**LONDON, S.E.1**

*(Registered in accordance with the National Assistance Act, 1948)*

---




*When old age, disability, bereavement or special needs occur amongst seafarers, distress signals are answered by the ROYAL ALFRED.*

Pensions, grants, and allowances to aged, widows, and the disabled, and maintenance of the Home at Belvedere, Kent, involves upwards of £70,000 yearly.

***WE RELY ON VOLUNTARY DONATIONS***
***LEGACIES ALSO URGENTLY NEEDED***

*Please send gifts to the Secretary*

# ROYAL ALFRED

MERCHANT SEAMEN'S SOCIETY
*Estd. 1865*

*Patron:* H.M. THE QUEEN

**(Dept. SJ), 122-6 Balham High Rd., London, S.W.12**

---


**200 needy children have their chance in life at Reedham. They are fed, clothed, educated and given a sound Christian upbringing.**

By trained brain, sound character, courage and personal initiative, the Reedham boys and girls are proving their worth and the value of their School over the four quarters of the globe.

*LEGACIES ARE GREATLY NEEDED*

**This great work is not nationalised; every penny spent must first be subscribed.**

**Please help this great work by sending a gift to H. W. Richardson, F.C.C.S., Secretary,**

# REEDHAM SCHOOL

**PURLEY, SURREY**

Founded 1844 by Dr. Andrew Reed

---

Founded A.D. 1849 — Incorporated by Royal Charter A.D. 1854

# *The Friend of the Clergy Corporation*

**For providing PERMANENT PENSIONS for the Widows and Orphan Maiden Daughters of Clergymen**

*Offices:*
15 HENRIETTA STREET, COVENT GARDEN, W.C.2

*Patron:*
HER MAJESTY THE QUEEN
*President:*
THE RT. HON. VISCOUNT ASHBROOK, M.B.E., D.L., J.P.
*Hon. Treasurer:*
THE RT. HON. VISCOUNT BRENTFORD
*Secretary:*
LIEUT.-COMMANDER R. A. DUDLEY, R.N.

**Since 1849 the Committee have distributed over £650,000 in Pensions and Temporary Assistance Grants**

FEATURES:
The strictest economy in working expenditure. Small Offices and small Staff. Tactful and kindly administration. No Red Tape. No overlapping of help given. Co-operation with Diocesan and other Societies. Every Pension secured to the recipient. Sound Actuarial and Financial Management.

**SUBSCRIPTIONS, DONATIONS, CHURCH COLLECTIONS and LEGACIES**
**are earnestly invited and will be gratefully received by the Secretary, who will gladly supply any information desired**

# Christmas Appeals

## THE WORKING LADIES' GUILD

urgently needs funds for fuel for its Pensioners and to complete a scheme giving independence in old age in self-contained flatlets, with care when needed, for those of very small means. *Please help.*

**The Secretary, The Working Ladies' Guild, 280 Earl's Court Road, London, S.W.5**

## *PLEASE HELP....*

The Commonwealth Society for the Deaf aims to provide teachers, schools, societies, training centres, scholarships, hearing aids, funds and medical assistance for the deaf in Commonwealth Countries.

The Society is registered as a charity in accordance with the National Assistance Act, 1948.

*For information please contact The Secretary,*
**Commonwealth Society for the Deaf, 31 Gloucester Place, London, W.1**

# INCURABLES

## *who cannot be looked after in their own homes—*

THE BRITISH HOME AND HOSPITAL FOR INCURABLES, maintained by voluntary contributions, cares for over 100 men and women of the MIDDLE CLASSES who have been stricken with incurable diseases.

***Legacies and Donations are urgently required to meet increasing costs.***

## BRITISH HOME & HOSPITAL FOR INCURABLES

Patron: Her Majesty Queen Elizabeth, The Queen Mother

**STREATHAM, S.W.16**

Telephone: GIPSY HILL 5341

## A VOTE OF CONFIDENCE IN BRITAIN'S FUTURE

WHEN your clients come to make their wills, why not tell them of the National Association of Boys' Clubs—a deserving cause indeed. A legacy in their favour is a vote of confidence in this country's future. And, just now, they are facing their greatest challenge, for the boys of the great rise in birthrate that followed World War II are just now beginning to reach the age when a club could be of the greatest value to them. But it is the age, too, when many boys go astray.

For many it is the crossroads. Never in their lives have they needed help and advice so much; never have they needed so much the healthy comradeship that a Boys' Club provides or the friendship and advice of good adult leaders. That is where the NABC comes in.

We already have 2,000 clubs. We must open 1,000 more over the next few years.

Will you help us? In doing so, you are passing a vote of confidence in Britain's future.

**THE NATIONAL ASSOCIATION OF BOYS' CLUBS**
*Incorporated by Royal Charter. 17 Bedford Square, London, W.C.1*

## SHIPWRECKED Fishermen and MARINERS' Royal Benevolent SOCIETY

During the last two years this Society cared for 533 survivors from 64 vessels and gave immediate relief to 250 dependants of men lost at sea during that period.
Last year alone over 3,100 aged seamen, fishermen and their families were assisted.
Relief Expenditure for the year—£42,000.

Please send a contribution to
The Secretary
(D9) 16 WILFRED ST., WESTMINSTER, LONDON, S.W.1

LEGACIES ARE SOLICITED

PATRON: H.M. THE QUEEN

## HOMES OF REST FOR GENTLEWOMEN

President:
HER GRACE THE DUCHESS OF BEAUFORT

The Society has three residential Homes in the country for educated gentlewomen under the age of 75 at time of entry and with an income not exceeding £300 per annum. The Society is interdenominational and every application is carefully and sympathetically considered.

*Donations, subscriptions and legacies are urgently required to maintain the Homes and for the Sick and Nursing Fund for residents in need of nursing care.*

Full information from :—
**The Secretary, Homes of Rest for Gentlewomen, 26, Warwick Road, London, S.W.5**

mobile crane normally used on a building site had been driven (presumably along public roads) for more than a mile and the driver had been instructed, before the police stopped him, to drive another mile to help in moving and erecting lamp standards. The magistrate found that these facts revealed a sufficient intention by the company, which was operating the crane, to use it on the road and that it was therefore a motor vehicle. The Vehicles (Excise) Act, 1949, contains special provisions as to this and other types of vehicle. In Scotland an agricultural tractor has been held to be a motor vehicle under the Road Traffic Act (*Woodward* v. *Young* 1958 S.L.T. 289) and a similar Australian statutory definition includes a mechanically operated grab for picking up and stacking goods (*Furdson* v. *McGovern* [1954] A.L.R. 450).

### Mechanical propulsion without mechanism

The definition of "motor vehicle" was further considered in *Lawrence* v. *Howlett* [1952] 2 All E.R. 74, in relation to the term "mechanically propelled." The appellant was pedalling a bicycle fitted with an auxiliary engine from which the cylinder, piston and connecting rods had been removed. It was held, on a charge of using a motor vehicle without third-party insurance, that the bicycle was not, at the relevant time, a mechanically propelled vehicle, it being said that, where a vehicle was designed to have two means of propulsion, one mechanical and the other non-mechanical, inquiry as to its classification at the material time must be made as to its working condition and use then. It was also said that it was an exceptional case and this indeed was shown by the case of *Floyd* v. *Bush* [1953] 1 All E.R. 265. There the defendant was riding a cycle fitted with an auxiliary engine which was in working order but not actually operating whilst he rode. It was held that this was, in the circumstances, a motor vehicle; the distinction between the two cases is that, in the former, the engine was incapable of use because of the removal of the parts. Where the vehicle is one which has only one means of propulsion, such as a car or motor cycle not capable of being pedalled, it remains a mechanically propelled vehicle until it is shown that it has permanently ceased to be one by reason of the removal of the engine. In *Newberry* v. *Simmonds* [1961] 2 W.L.R. 675; p. 324, *ante*, an apparently normal car was kept on the road but excise duty in respect of it was unpaid, contrary to s. 15 of the Vehicles (Excise) Act, 1949. The owner, when summoned, stated that in fact its engine had been stolen away and that it was therefore no longer a mechanically propelled vehicle; the prosecutor was unable to prove otherwise. The High Court, however, held that a motor car does not cease to be a mechanically propelled vehicle on the mere removal of the engine if the evidence admits the possibility that the engine may shortly be replaced and the motive power restored; Widgery, J., added that different considerations might apply if the mechanical means of propulsion had been "permanently" removed, a fact presumably for the car owner to prove.

The Vehicles (Excise) Act, 1949, does not contain a definition of "mechanically propelled vehicle" but it was said in *Newberry's* case that the definition in s. 253 of the Road Traffic Act, 1960, would apply. The Road Transport Lighting Act, 1957, does not contain a definition of this term either but presumably that in s. 253 would likewise be applied if the question ever arose in relation to that Act. *Semble*, if the wheels had been permanently removed, the object would cease to be a vehicle.

### Drunkenness as a defence under s. 6 (2)

Lastly, one may notice the unusual case of *John* v. *Bentley* (1961), p. 406, *ante*, in which it was decided that drunkenness may be a defence to a charge under s. 6 (2) of the Road Traffic Act, 1960, of being in charge under the influence of drink. It is right to say at once that the facts were special. Section 6 (2) penalises a person who, when in charge of a motor vehicle on a road or public place (but not driving the vehicle), is unfit to drive through drink or drugs, but he is deemed not to have been in charge of it if he proves:—

(i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs, and

(ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.

The defendant in *John* v. *Bentley* had gone out, with two friends, on a drinking expedition in a motor vehicle and there was an agreement that, if they became incapable through drink, they would stay in the public house or get alternative transport home. They did get drunk and at 11 p.m. the defendant was found on the floor of the cab, dead drunk; indeed, he slept all through the doctor's subsequent examination. Another member of the party got out of the cab of the vehicle on the driver's side, this person apparently being in possession of the ignition key. The magistrates convicted the defendant but quarter sessions held that, as he had been in a drunken stupor and remained in it for some hours, it was most unlikely that he would have been able to drive it at all for a considerable time, so he brought himself within s. 6 (2) (i). The High Court, on appeal by the prosecutor, did not disturb this finding by sessions, although Lord Parker, C.J., was far from saying that he would have come to the same conclusion as quarter sessions. Gorman, J., expressed anxiety lest people should be tempted to drink themselves insensible in order to try to avail themselves of this defence. The cases in which such a defence can be raised are, one hopes, likely to be rare and it would presumably not be a defence merely to show that a driver had passed out if there was a likelihood of his recovering fairly soon and driving away then.

### A test case

Perhaps one day the problems posed in this article can be resolved by a decision of the High Court on a case where *A*, who is disqualified from driving, is sitting in a state of automatism in the driving seat of an engineless bulldozer moving downhill, and *X*, who does not know of his disqualification, is beside him and has his hand on the steering wheel but cannot reach the brake. *C*, who is also disqualified from driving, to *X*'s knowledge, is pushing the bulldozer from behind and is having an epileptic fit. An attack by a swarm of bees is imminent. Yet further light could be shed on difficult points of the law if a constable, recently dismissed from his constabulary in the same circumstances as those of the plaintiff in *Ridge* v. *Baldwin* [1961] 2 W.L.R. 1054; p. 384, *ante*, had just been shaken off the machine's front by *A* in circumstances similar to those in *Director of Public Prosecutions* v. *Smith* [1961] A.C. 290, and had been fatally injured, so that their lordships' House could both review their own previous and much-criticised decision and also give an opinion as to whether the deceased was still a "police officer" under s. 5 (1) (*d*) of the Homicide Act, 1957. Such a case should engage the Solicitor's Articled Clerks' Society in natters and noggins for a considerable time.

G. S. W.

# DOCTORS APPEAL

At the annual general meeting of The Law Society last July, the president disclosed that sales of Mr. H. J. B. Cockshutt's "The Services of a Solicitor" were expected to reach the 100,000 mark. Of the probably even larger number of readers of this book a proportion will belong to the medical profession. If the book creates the right impression of a solicitor being extremely knowledgeable about all things directly or remotely connected with any sort of prescribed procedure, it will not be surprising if during the next few years doctors and others interested in the General Medical Service of the National Health Service appeal to solicitors to explain and advise them upon the function, constitution and relative importance of the various bodies which a National Health Service medical practitioner may encounter in the course of his career. The object of this article is to facilitate the task of solicitors in giving the required information and advice. Contact with some of the bodies will be inevitable for any doctor joining the Service as a general medical practitioner; he will hope to avoid appearing before others, although he may know some of the practitioners who are so required to attend, may have to appear as a witness and could act as a representative of a colleague, and in due course he may sit on one or other of the various committees. This article is not concerned with such questions as are collectively negotiated relating to remuneration or conditions of service for those employed in the National Health Service, nor with matters involving professional conduct and etiquette which are within the jurisdiction of the Disciplinary Committee of the General Medical Council (see the Medical Act, 1956, and in particular s. 49 thereof). To be mentioned are only those entities which deal with individual medical practitioners and whose powers are derived from the National Health Service legislation (including regulations) itself. Described in turn are the Medical Practices Committee, Executive Council, Medical Service Committee, Medical Advisory Committee, Local Medical Committee and Tribunal. In order that the inter-relationship of these bodies may be appreciated, a self-explanatory diagram is set out below.

Many of the cited authorities contain provisions referring to dental practitioners, pharmaceutical chemists, ophthalmic medical practitioners and opticians as well as general medical practitioners, but this article is concerned only with general medical practitioners, to whom the term "practitioners" refers.

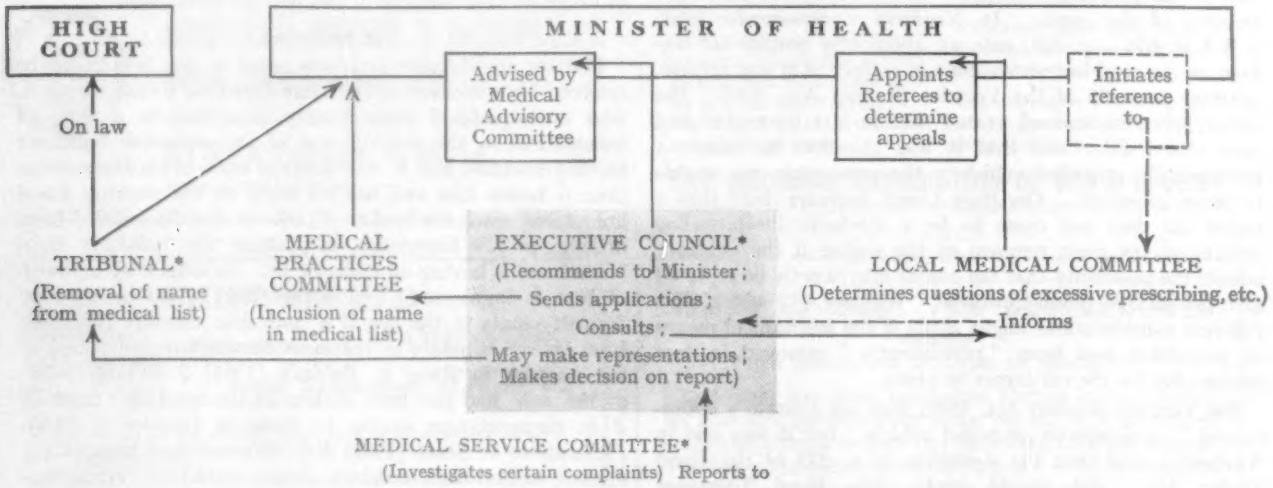
The Ministry of Health Report for 1959, Pt. I (Cmnd. 1086, July, 1960, at p. 119), records that since 1st April, 1959, when s. 12 of the Tribunals and Inquiries Act, 1958, became operative, reasons are given for decisions at all stages of disciplinary procedures.

### Medical Practices Committee

The first effective decision which a recently qualified doctor is likely to encounter is that made by the Medical Practices Committee upon his application to be included in a list (known as "the medical list") kept by an executive council of medical practitioners wishing to provide in its area general medical services within the National Health Service. This committee was established under s. 34 of the National Health Service Act, 1946, to secure "that the number of medical practitioners undertaking to provide general medical services in the areas of different Executive Councils or in different parts of those areas is adequate." In form a doctor's application must be sent to the appropriate executive council but that council has to refer it to the committee (ibid., s. 34 (2)).

The committee is mainly composed of medical practitioners as the chairman and six of the other eight members are required to be such, five of the six having to be persons actively engaged in medical practice (ibid., Sched. VI): if one of these members ceases to be so actively engaged he is deemed to have resigned (National Health Service (General Medical

**APPEAL MACHINERY FOR NATIONAL HEALTH SERVICE MEDICAL PRACTITIONERS**




* Within the purview of the Council on Tribunals to which complaints concerning procedure may be made.

# THE LONDON POLICE COURT MISSION

pioneer of the Probation Service and responsible for eleven training establishments (including the Cotswold School) needs financial help, especially for :—

**Coombehurst,** its Home for child victims of criminal assault and cruelty.

**Pearson House,** and

**The London Haven for Women and Girls, Incorporated,** its Hostels for homeless and destitute women and girls, and

**St. Margarets,** its Home for unmarried mothers and their babies, and

**An Assistance Department,** which provides help for special cases referred by Probation Officers.

Legacies and Subscriptions are urgently required

*Please send to*

**The London Police Court Mission**
**2 Hobart Place, London, S.W.1**

# *I've found that address you wanted— it's* UFAW . . .

that stands for the Universities Federation for Animal Welfare, 7a Lamb's Conduit Passage, W.C.1

Yes, they're sound people, they believe the problems of animal welfare need hard heads as well as soft hearts, so they restrict their membership to university people. A lot of the top-rank scientists are working with them. . . .

You'd better have "A Brief Account of UFAW"—it's got 24 Fougasse illustrations. I'll give you the name again . . .

UFAW

**7a Lamb's Conduit Passage, London, W.C.1**


OF all war wounds that are the inevitable legacies of air, sea and land fighting perhaps the most numerous and distressing cases are those helped by the Ex-Services Mental Welfare Society, which is the only specialist organisation concerned exclusively with mentally and nerve shattered ex-Service men and women of all three Services and the Merchant Navy. To all those who turn to the Society for help it offers

THE DAWN OF A NEW LIFE

| | | |
|---|---|---|
| *WE* | *NEED* | *YOUR SUPPORT* |
| *URGENTLY.* | *£80,000* | *required* |
| *annually.* | *No* | *Government Grant* |

***Please help by legacy, subscription or donation***

# EX-SERVICES MENTAL WELFARE SOCIETY

*FOR THOSE WHO SUFFER IN MIND*
*(Registered in accordance with National Assistance Act, 1948)*

*Patron :* H.M. Queen Elizabeth, The Queen Mother
*President :* Marshal of the R.A.F., Sir William Dickson, G.C.B., K.B.E., D.S.O., A.F.C.

37–39, Thurloe Street, London, S.W.7
3 CADOGAN STREET, GLASGOW, C.2 — 76 VICTORIA STREET, MANCHESTER, 3

# THE DOCKLAND SETTLEMENTS

## URGENTLY NEED YOUR FINANCIAL HELP

**for continuance and expansion of their Social work in the Dockside and Industrial Areas**
**Especially is this help for YOUTH needed NOW**

Dockland Settlements, H.Q. Offices, E.15
Dockland Settlement, Isle of Dogs, E.14
Dockland Settlement, Bristol, 2
Dockland Settlement, Rotherhithe, S.E.16
Dockland Settlement, Devonport
Dockland Settlement, Dagenham Docks
Dockland Settlement, Stratford, E.15
Holiday Home, Herne Bay

*Patrons :*
HER MAJESTY THE QUEEN
HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER
H.R.H. THE PRINCESS ROYAL
*President :*
H.R.H. THE PRINCESS MARGARET

*Chairman of Governing Body :*
BRIGADIER THE MOST HON. MARQUESS DOURO, M.V.O., O.B.E., M.C.
*Chairman of Central Executive Committee :* MAJOR JOHN L. WILLS
*Hon. Treasurers :* RT. HON. THE VISCOUNT SIMON, C.M.G.
A. C. SINDEN, ESQ.
*Founder :* SIR REGINALD KENNEDY-COX, C.B.E., J.P.

Owing to continued increase in teenage crime, we plan to establish further branches to combat the cause. Youth must be provided with adventurous and constructive energy outlets to overcome the boredom of dull areas. Boredom invites mischief leading to delinquency. The first branch in this new expansion scheme becomes operational in Spring 1962 at Hainault, Essex. The youth must be developed to the Nation's credit—they are its future! Help us to put prevention before correction.

LEGACIES COVENANTS DONATIONS

*Please address gifts to :*
**The GENERAL SECRETARY,**
**The Dockland Settlements H.Q. Offices,**
**164 Romford Road, Stratford, London, E.15**

and Pharmaceutical Services) Regulations, 1954 (S.I. 1954 No. 669), reg. 8 (6)). The chairman and members are appointed by the Minister of Health for a period of three years expiring on 31st March in any year. The committee's proceedings are not invalidated by any vacancy in the committee's membership or by any defect in the appointment or qualification of any of its members (1946 Act, Sched. VI). Decisions may be made by a majority vote, four members of the committee constituting a quorum, and if votes are equal the chairman has a second or casting vote (S.I. 1954 No. 669, reg. 9 (4)).

The committee must receive from every executive council at least once a year information to enable the committee to judge the adequacy of the medical services in the relevant area. It must also be informed by councils of deaths or withdrawals of practitioners on the medical list or of their removal therefrom and councils must furnish to it a report as to the need for filling the vacancy (ibid., reg. 6).

Although the committee may impose conditions excluding the provision of general medical services by an applicant in parts of the area of an executive council specified by the committee, it may only refuse an application on the ground that the number of practitioners undertaking to provide general medical services in the area, or part of an area, concerned is already adequate. If additional practitioners are required for an area but the number of applications exceeds that of vacancies the committee must decide whose applications are to be granted and whose refused. Before making its choice in this connection the committee must consult the executive council concerned and in its turn that council must consult any local medical committee formed in its area before expressing views on the doctors to be selected (1946 Act, s. 34 (3), (4)).

Where a choice has to be made the committee is enjoined to have regard to any desire expressed by any applicant to practise with other medical practitioners already providing general medical services in the area concerned, and of any desire of these practitioners to take a particular applicant into practice with them, especially if the applicant is related to any such other medical practitioner (ibid., s. 34 (9)).

The committee may permit some or all applicants the opportunity to make written or oral representations (S.I. 1954 No. 669, reg. 9 (3) (*b*)), and must inform the selected applicants, the council and the Minister of Health of their choice and inform any unsuccessful practitioner, or one whose application is granted subject to conditions, of his right of appeal to the Minister.

A practitioner is entitled to appeal to the Minister against an unfavourable decision or one subject to conditions in connection with his application for inclusion in the medical list or to succeed to a vacancy. He must send notice of appeal to the Minister within seven days, or such longer period as the Minister may allow, from the date on which the notice of the committee's decision is given to him. The notice of appeal must contain a concise statement of the facts and contentions upon which the appellant relies. The Minister may determine the appeal summarily, informing the appellant, committee and council of his decision, or appoint one or more persons to hold an oral hearing of the appeal. The same parties must be notified of particulars of the hearing at least seven days before it is to be held and notice of the hearing must also be given to any practitioner whose application for appointment to the relevant vacancy was granted. Any party so notified may be heard in person or by a duly authorised officer or member, or by counsel or solicitor or other representative. The person or persons hearing the appeal must report to the Minister, who, after considering the report, must give his decision and communicate it to all recipients of the notice of hearing (ibid., reg. 10).

The scale on which applications are received by the committee is shown by the following table covering the years 1955–59 :—

*Table* 1 — MEDICAL PRACTICES COMMITTEE

Applications for Advertised Vacancies : 1955–59

| | 1955 | 1956 | 1957 | 1958 | 1959 |
|---|---|---|---|---|---|
| Advertised vacancies* .. .. .. .. .. .. .. .. | 124 | 91 | 107 | 184 | 168 |
| Applications .. .. .. .. .. .. .. .. .. | 5,407 | 3,922 | 3,738 | 5,735 | 3,966 |
| Average number of applications per vacancy .. .. .. .. .. | 44 | 43 | 35 | 31 | 24 |

* Including both existing single-handed practices falling vacant and new practices advertised by executive councils.

*Source :* Ministry of Health Annual Reports.

The Ministry's Report for 1959, Pt. I (p. 77), explained that advertised vacancies accounted for just over one-fifth of the total number of vacancies occurring and that the majority of vacancies occurred in partnerships and were filled by the selection of a new member of the partnership by the remaining members. In 1959, seventy-eight unsuccessful applicants for vacant single-handed medical practices appealed to the Minister against the committee's decision Seventy-two of these appeals (together with some outstanding at the beginning of the year) were decided. Two were not pursued by the appellants and some awaited decision at the end of the year. Seven appeals were heard by persons appointed by the Minister for that purpose and sixty-nine were determined without an oral hearing. Only one appeal was allowed, the committee's decisions being upheld in seventy-five cases.

In 1960 the Medical Practices Committee approved the admission of 930 doctors to executive council medical lists, excluding those already in practice in one area who were admitted to practise also in an adjacent area, and those admitted for limited practice, e.g., among hospital staff only. Admission was refused in six cases and in no such case was the applicant supported by the executive council. Four doctors appealed to the Minister against refusal of their applications or against conditions placed upon their admission ; two of these appeals were withdrawn, and in the other two cases, one of which was given an oral hearing, the Minister upheld the committee's decision. The average number of applicants for advertised vacancies again fell, from twenty-four in 1959 to eighteen in 1960 (Ministry of Health's Report for 1960, Pt. I, Cmnd. 1418, July, 1961, pp. 59–60).

### Executive Council

One glance at the diagram on p. 1056 is enough to show that the centre of the complicated spider's web of bodies belonging to the appeal machinery affecting National Health Service medical practitioners is the executive council. As regards

general medical services the prime duty of every executive council is " to make as respects their area arrangements with medical practitioners for the provision by them . . . of personal medical services for all persons in the area who wish to take advantage of the arrangements " (s. 33 (1) of the 1946 Act). These arrangements (by S.I. 1954 No. 669, reg. 3) must incorporate the lengthy terms of service contained or referred to in ibid., Sched. I, Pt. I, although provision is made therein (para. 11 (1)) for an executive council to alter these terms with the Minister's approval. The executive council is in touch with all the committees considered in this article and there is otherwise no formal statutory connection between these bodies (including the Tribunal).

In general there must be an executive council for the area of every local health authority (s. 31 (1) of the 1946 Act), although if it is in the interests of efficiency that one council should be constituted for the area of two or more local health authorities this may be done (ibid., s. 31 (2)). Councils have been so constituted for Leicestershire and Rutland; Nottingham County and City; Oxford County and City; Devon and Exeter; Gloucester County and City; Kent and Canterbury; Monmouthshire and Newport; and Denbighshire and Flintshire (S.R. & O. 1947 Nos. 646, 744, 745, 845, 989, 1093, 930 and 1180). A joint committee may be established for the areas of two or more executive councils to exercise some but not all of the functions of an executive council (1946 Act, s. 31 (4)), but no such joint committee has been established.

An executive council consists of twenty-five persons, being five members appointed by the Minister, eight members appointed by the local health authority for the council's area, seven members by the local medical committee, three by the local dental committee and two by the local pharmaceutical committee (1946 Act, Sched. V, para. 1). If the three last-mentioned local committees fail to exercise their right of appointment the Minister makes the appointments required (ibid., para. 4). The members of the executive council appoint a chairman and a vice-chairman from amongst their number (National Health Service (Amendment) Act, 1949, Sched., and the National Health Service (Executive Councils) Regulations, 1954 (S.I. 1954 No. 224), reg. 6). Members hold office for three years (ibid., reg. 4). Questions are determined by a majority vote and the chairman has a second or casting vote (ibid., reg. 12 (3)). A council's proceedings are not invalidated by any vacancy in its membership or by any defect in the appointment or qualification of any member (1946 Act, Sched. V, para. 5).

It will be recalled that as a result of the Franks Committee's recommendations (Report of the Committee on Administrative Tribunals and Enquiries, Cmnd. 218, July, 1957), the Tribunals and Inquiries Act, 1958, set up a Council on Tribunals to keep under review the constitution and working of certain tribunals and from time to time to report on their constitution and working (ibid., s. 1 (1) (*a*)). Executive councils are amongst the bodies so brought within the purview of the Council on Tribunals (ibid., Sched. I, Pt. I, para. 10 (*a*)): see also pp. 1059 and 1064, *post*. The existence of this council may be responsible for a passage in the Ministry of Health's Annual Report for 1960, Pt. I, in respect of which parallel wording is not to be found in earlier reports. Dealing with action taken by the Minister on appeals against decisions of executive councils, the report states, at p. 92:—

> " Although there were fewer appeals than in 1959 (87 against 106) there was an increase from 31 to 39 in the number for which a hearing by persons appointed by the Minister was arranged, either because a conflict in the written evidence made this desirable, or because the practitioner exercised his right to have one. In a few instances, appeal hearings were ordered by the Minister because of procedural irregularities which had deprived parties of their rights to put their cases properly, for example, where complaints were dismissed by service committees, without hearings, as having no prima facie grounds when, in fact, such grounds existed. (A complaint discloses prima facie grounds if the allegations made, taken as true, show a breach of the terms of service.)"

It may be noted here that it is only so far as regards the exercise of its executive functions that, from 1st June, 1961, the meetings of an executive council must be open to the public, including the Press, under the Public Bodies (Admission to Meetings) Act, 1960.

*Control of medical list*

Reference has already been made (p. 1056, *ante*) to the existence of the medical list which a council is required to keep of medical practitioners in its area. Regulations govern the withdrawal or removal of a practitioner's name from such a list. Under S.I. 1954 No. 669, Sched. I, Pt. I, para. 12, a practitioner may at any time give three months' notice to the council to withdraw his name from the medical list unless representations are made to the Tribunal that his continued inclusion in the medical list would be prejudicial to the efficiency of the general medical services. This stipulation is subject to any consent, conditional or otherwise, which may be obtained from the Minister for such withdrawal.

A council may appoint a deputy or remove a practitioner's name from the medical list. A deputy may be appointed and the cost thereby incurred may be deducted from the remuneration of the practitioner in question if the council, after consultation with the local medical committee, is satisfied that owing to the continued absence or bodily or mental disability of a practitioner his obligations under the terms of service are not being adequately carried out. Alternatively the council may make such other arrangements as the Minister approves and, with his consent, notify the persons registered with the practitioner that he is for the time being in the council's opinion not in a position to carry out his obligations (S.I. 1954 No. 669, Sched. I, Pt. I, para. 13, as amended by the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations, 1956 (S.I. 1956 No. 1076), reg. 2 (13)).

Twenty-eight days' notice must be given by a council to a practitioner whose name is to be removed from the list. Subject to a direction otherwise from the Minister, it is mandatory for a council to remove a practitioner's name from the list after expiry of the notice where it has determined that a practitioner whose name has been included in the list for the preceding six months has never provided general medical services for persons in the council's area since his name was last so included, or has for the preceding three months ceased to provide such services for those persons. Before such a determination may be made, with its serious consequences, a prescribed procedure must be followed. The council must give the practitioner an opportunity of making representations to the council in writing or, if he so desires, orally to a committee appointed by the council for the purpose. At least a third of the members of such committee must be medical practitioners. The council must also consult the local medical committee for the area (S.I. 1954 No. 669, reg. 4 (6), (7)).

# Christmas Appeals

## Everybody wants to be wanted

In their Homes and Hostels the S.O.S. Society cares for :

**ELDERLY MEN AND WOMEN** who are no longer able to fend for themselves.

**HOMELESS AND FRIENDLESS MEN** whose lives have gone adrift.

**MEN AND WOMEN IN NEED OF REHABILITATION** following a mental or nervous breakdown.

**APPRENTICES, TRAINEES, STUDENTS** and boys from broken homes trying to make a start on a beginner's wage in London.

*Full details of the work of the S.O.S. Society will gladly be sent by the Secretary.*

## The S·O·S Society

*Patron : H.R.H. Princess Marina, Duchess of Kent*

24 ASHBURN PLACE, LONDON, S.W.7

---

***"In sweet music is such art, killing care and grief of heart."***

*—King Henry VIII*

## BUT WHAT OF THE MUSICIANS?

The musicians whose skill creates that music have their own share of 'care and grief of heart' — but for them the solution may not be so easy.

Won't you please send a gift this Christmas to help those who have given you so much pleasure during the past year and who are no longer able to play, sing or teach because of sickness, old-age or plain bad luck? They desperately need your help.

***Just imagine Christmas without music!***

*All donations gratefully received by BARONESS RAVENSDALE, Hon. Treasurer*

**MUSICIANS' BENEVOLENT FUND**
**ST. CECILIA'S HOUSE, CARLOS PLACE, LONDON, W.1.**

---

## The Mission to Lepers

**International Interdenominational**

FOUNDED 1874

The Mission is now at work in 30 countries. It maintains 32 Homes and Hospitals of its own in India, Burma and Hong Kong, besides assisting the Leprosy work of other Societies in more than 100 institutions. It is planning to extend its ministry in regions where little or nothing is being done for sufferers from Leprosy.

### DONATIONS

for the maintenance and improvement of work already existing, and for expansion into needy areas, and

### LEGACIES

for special and general purposes, will be warmly welcomed.

*Chairman :* BERNARD C. STUDD

*General Secretary :* The Rev. WILFRID H. RUSSELL, B.A.

## THE MISSION TO LEPERS

**7 BLOOMSBURY SQUARE, LONDON, W.C.1**

---

## WHAT ARE YOU DOING

**towards helping**

## THE NATIONAL PLAYING FIELDS ASSOCIATION?

The Association requires money to help provide playing fields and children's playgrounds for all sections of the community.

**Donations to the General Secretary**

**71 ECCLESTON SQUARE, LONDON, S.W.1**

---

**AT**

## ST. LOYES COLLEGE

**for the Training of the Disabled**

**EXETER**

in the past 24 years over 4,000 severely disabled men, women and juveniles have been trained in one of 18 different trades and have acquired the technical skill to enable them to compete on equal terms with the able-bodied in open industry.

**DONATIONS, COVENANTED SUBSCRIPTIONS AND LEGACIES**

are required urgently to enable St. Loyes to continue to meet the needs of the disabled while giving them the opportunity to become self-supporting members of the community.

**Patron : HER MAJESTY THE QUEEN**
**Chairman : G. V. NORTHCOTT, C.B.E.**

**Full information on application to the PRINCIPAL**

# Christmas Appeals

## Calling you this Christmas...

Calling you this Christmas are the 3,000 children in the 40 branches of the National Children's Home. The Home, nation-wide but not nationalised, depends on voluntary contributions from people like *you*. Please give generously.

**NATIONAL CHILDREN'S HOME**

Send your gift NOW to The Principal, The Rev. John Waterhouse, O.B.E. Dept. S.J., Highbury Park, London, N.5.

## ROYAL NAVAL BENEVOLENT SOCIETY

*Incorporated under Royal Charter*

Patroness
HER MAJESTY THE QUEEN

*For officers of the Royal Navy and Royal Marines, their widows, orphans and dependants*

•

Founded in 1739, the Society is one of the oldest of its kind, and its object is to assist officers and their dependants in financial difficulties. Membership is by subscription, but the total of the grants paid out each year far exceeds the total subscribed

•

**Donations and legacies will be gratefully received by the Secretary, at No. 1 FLEET ST., LONDON, E.C.4**

## FRIENDS OF THE POOR & GENTLEFOLK'S HELP

*Royal Patrons:*
H.M. THE QUEEN
H.M. QUEEN ELIZABETH,
THE QUEEN MOTHER

**42 EBURY STREET LONDON, S.W.1**

*President:*
H.R.H. THE PRINCESS MARGARET

*General Secretary:*
MRS. VAISEY, O.B.E.

*The work of this Society—its Homes for Gentlepeople and its Relief for those in need—depends on Voluntary Gifts and Legacies*

NO STATE AID

PLEASE HELP

## Come—
### for all things are now ready!

*We are planning parties for all our needy old people and ask your generous support this Christmas-tide.*

Please write to the **Superintendent, Rev. Joseph Jones,**

**SOUTH LONDON MISSION**

**(Dept. S.J.), Central Hall, Bermondsey Street, London, S.E.1.**

From the date of receipt of a twenty-eight days' notice of proposed removal of his name from the medical list, a practitioner has twenty-one days within which to appeal to the Minister against the council's decision, and pending the determination of the appeal the council must not remove the practitioner's name from the list. The notice of appeal must be in writing and set out the facts and contentions on which the practitioner intends to rely. If the Minister allows the appeal he must direct the council not to remove the practitioner's name from the list (ibid., reg. 4 (8)).

Any document required or authorised to be given to a practitioner in this connection may be given by delivering it to him or by sending it in a prepaid letter addressed to him at his usual or last known address. If the document is sent by post it is deemed, until the contrary is proved, to be served at the time at which a letter would be received in the ordinary course of post (ibid., reg. 4 (9)). No corresponding approved procedure nor deeming provision is specifically prescribed for the service of notice of appeal on the Minister by a practitioner.

Action which an executive council must take after receiving a report from a medical service committee is described below (p. 1061).

*"Notional" list appeals*

An exposition of arrangements for the remuneration of practitioners is beyond our scope but we must make a brief reference to this if the figures relating to "notional" list appeals and the constitution of yet another committee (mentioned in passing) are to be appreciated. Broadly a practitioner receives a capitation payment based on the number of patients on his list and a "loadings" payment being an additional capitation payment in respect of patients within a defined range (say, 500 to 1,500) on his list (see S.I. 1954 No. 669, regs. 22 and 23 and Sched. I, Pts. II and III).

Doctors practising in partnership may apply to the executive council concerned to be paid on the basis of "notional" lists, that is, in accordance with whatever division of the patients between them is most advantageous financially. It is a necessary condition of this arrangement that the practitioners should be substantially engaged in National Health Service practice and that two sets of loadings should not be payable where, e.g., one of the doctors is a sleeping partner.

In this connection an appeal lies to the Minister from the executive council. Before making his decision the Minister receives advice from the Central Committee which was set up in 1954, in consultation with the British Medical Association, as a result of the recommendations of the Working Party on doctors' remuneration following the Danckwerts award of 1953. The committee is composed equally of representatives of the Ministry of Health and of the medical profession. Its main work consists of dealing with appeals by doctors against the decisions of executive councils on such matters connected with remuneration as loadings to partnerships and initial practice allowances; it also deals with applications for supplementary annual payments from doctors over the age of seventy.

In 1959, seven partnerships appealed to the Minister against their executive councils' refusal to make payment on the notional list basis. After receiving the Central Committee's advice the Minister dismissed two of these appeals and allowed four, the remaining one not having been decided by the end of 1959 (Report of the Ministry of Health for 1959, Pt. I, p. 77).

**Medical Service Committee**

A medical service committee is one of the committees which an executive council must establish (National Health Service (Service Committees and Tribunal) Regulations, 1956, S.I. 1956 No. 1077, reg. 3). Other parallel committees are a pharmaceutical service committee, a dental service committee and an ophthalmic investigation committee. There is also a joint services committee. These committees fall within the purview of the Council on Tribunals, referred to on p. 1058, *ante* (1958 Act, Sched. I, Pt. I, para. 10 (*c*)). With the Minister's consent an executive council may establish two or more medical or other of the service or investigation committees mentioned except joint services committee (S.I. 1956 No. 1077, reg. 3 (1)).

The medical service committee consists of a chairman and six other persons. Of these six, three must be appointed by and from the lay members of the executive council (and additionally with the Minister's agreement these members may appoint a non-member of the Council as a deputy to act in the absence of a lay member of a committee or his deputy: ibid., reg. 3 (2) (*g*)), and three by the local medical committee (ibid., reg. 3 (2) (*a*)). A corresponding number of persons are similarly appointed to act as deputies for the members, other than the chairman, of such committee (ibid., reg. 3 (2) (*f*)).

*Appointment of chairman*

The chairman of a services committee must be appointed at a meeting of the members of the committee to be specially summoned for the purpose by a majority of votes cast at the meeting (ibid., reg. 3 (3) (*a*)). Any person other than a practitioner, chemist or optician is eligible for appointment (ibid., reg. 3 (3) (*b*)). Should the chairman not prove acceptable to any group of members on the committee, provision is made for appointment of a chairman by the executive council or Minister (ibid., reg. 3 (3) (*c*), (*d*)).

Any chairman who is not a member of the executive council may attend and take part in, but not vote at, meetings of the council (ibid., reg. 3 (3) (*e*)). The provisions relating to the appointment of a chairman also apply to that of a deputy chairman, and if either is already a member of the committee his membership ceases and a replacement must be found for him (ibid., reg. 3 (3) (*f*), (*g*)).

*Relationship with joint services committee*

Where a medical service committee considers that a matter referred to it involves a question relating to a dental practitioner or a chemist, in lieu of dealing with the matter itself it must refer it to the joint services committee (S.I. 1956 No. 1077, reg. 4 (7)). Similarly, any matter which would otherwise be referred by an executive council or any committee duly authorised to the medical service committee for investigation may be referred by the council or committee, if they are satisfied that it is appropriate, to the joint services committee (ibid., reg. 4 (8)).

A joint services committee must be established (ibid., reg. 3 (1)). It consists of a chairman and eight other persons. Of these eight, two are appointed by and from the lay members of the executive council, two (to take part in a hearing only if there is a matter involving a question relating to a general medical practitioner: ibid., reg. 3 (2) (*h*)), by the medical service committee from their members or deputies who are general medical practitioners, and similarly two by the dental service committee and two by the pharmaceutical service committee (ibid., reg. 3 (2) (*e*)).

*Investigations*

Any complaint made against a general medical practitioner in respect of an alleged failure to comply with the terms of service must be investigated by the medical service committee where in the opinion of its chairman the complaint is made in certain defined circumstances (ibid., reg. 4 (1)). Such investigation must be held if the complaint is made (*a*) by a person who was, or claimed to be, entitled to the provision of general medical services by the practitioner concerned and the complaint relates to an alleged failure to comply with the terms of service in relation to the complainant; or (*b*) by the spouse, or with the authority, of such a person (i.e., "a person" defined in (*a*)), or on behalf of such a person who is incapable, by reason of old age, sickness or other infirmity, of making a complaint, or is under the age of eighteen, and in each case the complaint relates to an alleged failure to comply with the terms of service in relation to the spouse of the complainant, or the person authorising the complaint, or the person who is incapable or under the age of eighteen, as the case may be; or (*c*) in relation to such a person who is deceased; or (*d*) by the Minister of Pensions and National Insurance.

If after the beginning of the hearing of a complaint before the medical service committee it appears that the complaint was not made in the circumstances set out in the preceding paragraph, nevertheless it must be deemed to have been properly referred to the committee for investigation under certain provisions made by ibid., reg. 4 (5). Sub-paragraph (*a*) thereof lays down that, provided no question involving an allegation against a practitioner of a breach of the terms of service is without the consent of the Minister of Health or the practitioner referred for investigation under this paragraph except within six weeks after the event which gave rise to the allegation, the committee must investigate any matters referred to it by the executive council, or by one of its duly authorised committees, relating to the administration of general medical services, whether or not any such matter has been raised on complaint under the preceding provisions of ibid., reg. 4. Where the council, before a possible reference of any matter under ibid., reg. 4 (5) (*a*), to the committee, requests its clerk to seek the practitioner's comments, the clerk must inform him of any alleged breach of the terms of service or of the reason for requesting the comments and, unless the council decides to the contrary, of the course of the information before it concerning the matter (ibid., reg. 4 (5) (*b*)).

*Complaints about a deputy*

For purposes of complaints, a deputy is equated to the principal practitioner. Thus where a complaint is made against a practitioner in respect of the acts or omissions of a deputy whose name is also included in the medical list, the complaint must be deemed to have been made against both practitioners (S.I. 1956 No. 1077, reg. 4 (2)). Again, where a complaint is made against a practitioner whose name is included in the medical list, in respect of his acts or omissions whilst acting as deputy to a practitioner whose name is also included in the list, the complaint must be deemed to have been made against both practitioners (ibid., reg. 4 (3)). The committee may, however, dispense with a hearing and report on the case of a practitioner forthwith where prima facie there are no grounds of complaint against him personally and the alleged acts or omissions concern only his deputy (ibid., Sched. I, r. 1 (1) (*b*) (iii)).

*Time-limits for complaint*

A general time-limit of six weeks is laid down for making a complaint against a general medical practitioner under ibid., reg. 4. A person desiring to make such a complaint must within six weeks after the event which gave rise to the complaint give written notice to the clerk of the executive council stating the substance of the matter which it is desired to have investigated (ibid., reg. 4 (4) (*a*)). If, however, the medical services committee is satisfied that a failure to give notice within that period was occasioned by illness or other reasonable cause it may investigate the matter provided (i) the complaint was made within two months after such event (i.e., the six-week limit may be extended by about a further fortnight); or (ii) the practitioner consents to the investigation taking place notwithstanding the failure to give notice in time; or (iii) the Minister's consent to the investigation has been obtained. In applying for the Minister's consent the committee must furnish the Minister and the practitioner with a copy of the notice, a statement of the reasons for the failure to give notice in time and any further information which the Minister may require. The practitioner is entitled within seven days after he has received such statement or further information to forward to the Minister a statement of the grounds on which he contends that the investigation should not take place (ibid., reg. 4 (4) (*c*)). These provisions also apply to any application for the Minister's consent under ibid., reg. 4 (5), considered above (ibid., reg. 4 (5) (*a*)).

*Procedure of committee*

In the event of a hearing the committee must permit a party to an investigation to be assisted in the presentation of his case by some other person, but no person is entitled in the capacity of counsel, solicitor or other paid advocate to conduct the case for any party by addressing the committee or examining or cross-examining witnesses (ibid., reg. 5 (1)).

The proceedings at the hearing are private and only certain persons are admitted. These are the parties to the investigation and any persons permitted to appear to assist them, the secretary or other duly authorised officer of the committee, officers of the council appointed for the purpose and witnesses who, unless the committee directs otherwise, must be excluded from the hearing except when they are actually giving evidence (ibid., reg. 5 (2)).

Under the rules of procedure established by ibid., reg. 5 (3) and Sched. I, the clerk of the executive council must send to the committee's chairman as soon as practicable a copy of the complainant's statement. The chairman may decide that a hearing is unnecessary, in which event the case must be brought before the committee, who may dispense with a hearing and report on the matter at once. If the chairman has requested the practitioner's comments for passing on to the complainant (who will be requested to submit his observations within seven days) and these are not received within a reasonable time, or the correspondence discloses a material difference of fact between the parties, the committee must not (save in respect of complaints against a deputy as explained above) dispense with a hearing.

Except in cases disposed of without a hearing the clerk of the council must, as soon as practicable, send to the practitioner a copy of the complainant's statement and of any relevant correspondence and inform the practitioner that any comments made by him will be used in evidence at the hearing. Both parties and the committee's secretary must be given at least fourteen days' notice of the hearing by the clerk. The meeting may be postponed by the chairman. Seven clear days

# Christmas Appeals

## Charterhouse Rheumatism Clinic

*President*
H.R.H. THE DUCHESS OF GLOUCESTER

A NATIONAL CHARITY
devoted entirely to the
TREATMENT of rheumatism,
arthritis, the WELFARE of the
patient and to RESEARCH

NO STATE AID

**PLEASE HELP BY A DONATION OR LEGACY**

**THE DOWAGER COUNTESS OF HALIFAX, C.I., D.C.V.O., 56 Weymouth Street, London, W.1**

**A brochure will be sent on application**

---

*Incorporated by*  *Royal Charter 1800*

## ROYAL COLLEGE OF SURGEONS OF ENGLAND

**Recognised by Law as a Charity**

The College, one of the leading centres of surgical research and study is, with its unique opportunities, expanding and increasing its programme of research, especially in the fields of ANAESTHETICS, WOUND HEALING AND INHERITED BLINDNESS.

The College also carries out extensive teaching activities for postgraduate students. It is not under State Control.

**FUNDS ARE URGENTLY REQUIRED FOR**

- **Research scholarships and grants**
- **Building and maintenance of research laboratories and lecture rooms**
- **Purchase of scientific equipment**

LEGACIES are particularly acceptable. SUBSCRIPTIONS can be made by seven-year covenant. GIFTS and enquiries should be addressed to Mr. W. F. Davis, Deputy Secretary, Royal College of Surgeons of England, Lincoln's Inn Fields, London, W.C.2. Telephone: HOL 3474

---

## THE MULTIPLE SCLEROSIS SOCIETY

**10 STRATFORD ROAD
LONDON, W.8**

The Society encourages medical research by establishing Fellowships in Multiple Sclerosis and Allied Nervous Diseases.

Through its many Branches it brings help to those who have M.S.

To continue this work YOUR HELP IS URGENTLY NEEDED. Please support the Society by

**LEGACIES, DONATIONS AND SUBSCRIPTIONS**

*(Registered as a Charity in accordance with the National Assistance Act, 1948)*

---

## All boys need help

but especially those aged 16–21—no longer children, not yet men.

Please give these lads a helping hand along the difficult path to early manhood by contributing towards the cost of running our working boys homes, where they have someone to befriend and guide them.

*DONATIONS AND LEGACIES ARE URGENTLY REQUIRED*

**HOMES FOR WORKING BOYS IN LONDON**

*President: Lieutenant-General Sir John Glubb, K.C.B., C.M.G., D.S.O., O.B.E., M.C.*

**15, Champion Hill, London, S.E.5**

# Christmas Appeals

## BRITISH COUNCIL FOR REHABILITATION OF THE DISABLED

*(Registered as a Charity in accordance with National Assistance Act, 1948)*
*Patron:* H.R.H. THE DUKE OF EDINBURGH
*Chairman:* THE RT. HON. LORD SEMPILL, A.F.C. *Vice-Chairman:* SIR REGINALD WATSON-JONES, M.Ch.orth., F.R.C.S.
*General Secretary:* IAN R. HENDERSON

***Please Do Not Forget!*—The Needs of The Crippled, The Blind, The Paralysed, The Mutilated, The Deaf and the Mentally Handicapped**

**The British Council for Rehabilitation is concerned to promote the interests of all who are in any way disabled, and to seek out ways by which those with disabilities might regain their rightful place in society**

The continuance and necessary expansion of this vital and pioneer work is entirely dependent upon your active goodwill and support

*Your Gifts will be gratefully acknowledged by—*

**Major NORMAN KARK,** *Hon. Treasurer,* **TAVISTOCK HOUSE (SOUTH), LONDON, W.C.1**

---

## The Hostel of God

29–32 NORTH SIDE
CLAPHAM COMMON, S.W.4

*Patron:*
Her Majesty Queen Elizabeth, the Queen Mother.

*Management:*
The Anglican Sisters of St. Margaret's, East Grinstead and Council.

*The Appeal Secretary will gladly receive donations or send a simple "Form of Bequest."*

Telephone: MAC 6160

This hospital, which is still entirely dependent on donations and legacies, was founded in 1891 for the care of patients in an advanced stage of a mortal illness. Here, in three noble Georgian houses set in a beautiful garden, the Sisters and nurses bring them peace and comfort, in addition to skilled medical care. No charge is made, and patients of both sexes are admitted without regard to creed or country.

WE NEED HELP TO GIVE HELP

---

As literacy increases everywhere the struggle for men's minds increases in urgency.

Books about the Bible, the Christian Faith and the way of life are indispensable means of spreading the Gospel.

## S. P. C. K.

depends upon voluntary support.

**The Society for Promoting Christian Knowledge, Holy Trinity Church, Marylebone Road, London, N.W.1.**

---

## REED'S SCHOOL

**COBHAM, SURREY.**

Founded in 1813, Reed's School receives no grants from public sources, and still relies upon support from individuals who value the great work which it is doing for fatherless boys. The education provided is of grammar school standard, and generous Bursaries are granted to those in need. Subscriptions and Donations are urgently required, and Legacies for Investment would be of lasting benefit to the School.

**32 QUEEN VICTORIA STREET, LONDON, E.C.4**

**PHILIP HORTON**
*Secretary*

---

## *BIBLES*

***IN MANY LANGUAGES***
**are continually needed by Ministers, Missionaries and other Christian Workers**

***IN MANY LANDS***
**substantial help is often**
***FREELY GIVEN by the***
**TRINITARIAN BIBLE SOCIETY**
**7 Bury Place, London, W.C.1 (HOL 9460)**

**GIFTS and LEGACIES help to maintain and extend this VITAL WORK**

before the hearing the clerk must supply copies of the relevant documents to the members and secretary of the committee.

Either party is entitled to be present at the hearing and give and call such evidence as the committee may think relevant to the matters at issue and may put questions to the other party, or to any witness called by him, either directly or if the committee so directs through the chairman. Apart from this the committee determines the procedure at the hearing. The quorum for a hearing consists of the chairman together with one lay member and one medical member (ibid., Sched. I).

The committee must draw up a report stating such relevant facts as appear to be established by the evidence placed before it and the inferences, whether of a breach of the terms of service or otherwise, which may properly be drawn from the facts, together with a recommendation as to what action should be taken, and must present the report to the council, which must accept as conclusive any finding of fact therein. In so presenting its report the committee may in cases where they infer a breach of the terms of service draw the council's attention to any previous reports based on a finding of a breach of the terms of service made by that committee in connection with the practitioner, and to any action taken by the Minister on such reports, and may recommend that account should be taken thereof by the council in reaching its decision (ibid., reg. 5 (4)).

*Action by executive council*

After receiving the service committee's report the executive council must furnish the Minister with a copy thereof and a statement of the council's decision thereon (ibid., reg. 6). The council may take action in any one or more of the following ways. First, if the investigation relates to a practitioner's conduct and the council is satisfied, after consultation with the local medical committee, that owing to the number of persons included in his list he is unable to give adequate treatment to all those persons, it may limit the number of persons for whom the practitioner may undertake to provide treatment. Secondly, it may recover, by a deduction from his remuneration or otherwise, any expenses reasonably and necessarily incurred by any person owing to the failure of the practitioner to comply with the terms of service and any sum so recovered must be paid to that person; these expenses do not include expenses incurred in connection with an investigation by the medical service committee. Thirdly, the council may recommend to the Minister that, owing to the practitioner's failure to comply with the terms of service, an amount should be withheld from his remuneration: in this case, unless the facts have already been the subject of an oral hearing in the course of an appeal made to him, the Minister, before directing the council to recover such amount as he thinks fit by deduction from the practitioner's remuneration or otherwise, must afford the practitioner a reasonable opportunity of making representations to him on the matter; and in respect of certain breaches of terms of service the Minister must refer the case to the Medical Advisory Committee and consider its report before directing the council to withhold money in respect of any such breach (ibid., reg. 11). Finally, if the council considers that the continued inclusion of the practitioner's name on the medical list would be prejudicial to the efficiency of the general medical service, it may make representations to that effect to the Tribunal (ibid., reg. 6 (*a*)–(*d*)). No appeal lies against a decision of a council to make such representations to the Tribunal (ibid., reg. 8).

*Hearing of oral representations to Minister*

If a practitioner desires to make oral representations the Minister must appoint a person or persons to hear them. The executive council and the local medical committee are entitled to be represented at the hearing and to take such part in the proceedings as the persons hearing the representations may think proper. These persons must include a practitioner selected by the Minister from a panel of practitioners nominated by a body representative of practitioners engaged in the provision of general medical services (ibid., reg. 11 (2)).

*Appeal to Minister from executive council's decision*

The council must supply the parties to an investigation with a copy of the service committee's report and of the council's decision and must inform them of their right of appeal to the Minister against any decision (except with regard to making representations to the Tribunal) and of the Minister's power on such an appeal to award costs. A practitioner must also be informed by the council of his right to make representations to the Minister in lieu of an appeal against a decision to recommend that a specified amount should be withheld from his remuneration.

The time limit for an appeal by any party to an investigation or for a practitioner to make representations to the Minister against any decision of the council is one month from the date on which notification of the decision was received. The notice of appeal must contain a concise statement of the facts and contentions upon which the appellant intends to rely (ibid., reg. 7). The Minister may, however, extend the time for giving notice of appeal, and may do so although the application is not made until after the expiration of the prescribed month's time limit; an application for the extension of the time for giving notice of appeal must be made in writing to the Minister and contain grounds for the application (ibid., reg. 47).

*Procedure on appeal to Minister*

The Minister has power to dismiss the appeal forthwith if he is of opinion that there are no reasonable grounds of appeal or that the appeal is vexatious or frivolous (ibid., reg. 9 (1)). It is, however, provided that an appeal by a practitioner against a decision of the council to take any action other than making representations to the Tribunal under ibid., reg. 6, must not be dismissed without an oral hearing unless the appellant does not desire such a hearing (ibid., reg. 9 (1) proviso).

If the appeal is not summarily dismissed the Minister must send particulars thereof to the council, to the parties to the proceedings before the service committee and to persons appearing to him to be interested in the appeal (ibid., reg. 9 (2)). Although the practitioner's right to an oral hearing noticed above is preserved, the Minister may otherwise determine the appeal summarily without an oral hearing (ibid., reg. 9 (3)).

*Oral hearing before the Minister*

For the purpose of an oral hearing, which must be held *in camera*, the Minister may appoint not more than three persons (one or more of whom may be officers of his Ministry) to hold an inquiry and draw up a report. If a practitioner is one of the parties to the appeal the persons appointed to hear it must include a medical practitioner selected by the Minister from the panel already mentioned and referred to

below under "The Medical Advisory Committee." The Minister must consider the report and then give his decision, which is final and conclusive (ibid., reg. 9 (4) (*b*) and (5)).

The council or any person who has received notice of appeal may appear and take such part in the proceedings as the persons holding the inquiry think proper (ibid., reg. 9 (4) (*a*)). The council or other body being a party to an appeal may appear by a member or by their clerk or other officer duly appointed for the purpose or by counsel or solicitor (ibid., reg. 9 (6) (*b*)); an individual party to an appeal may appear in person, "or by counsel or solicitor, or by any officer or member of any organisation of which he is a member or by any member of his family, or by any friend" (ibid., reg. 9 (6) (*a*); one would think that the phrase "or by any other person" would have been an equally effective formula though perhaps it is as well that counsel and solicitor are specifically mentioned).

Facts or contentions not raised before the committee in the course of the proceedings in respect of which the appeal is brought may not without consent be relied on at an appeal unless in the case of a hearing seven days' written notice of any new facts or contentions upon which the party intends to rely was given to the Minister or to the persons holding the inquiry (ibid., reg. 9 (7)).

The council may, with the Minister's consent, make such contribution as it thinks fit, or he may determine after directing the making of a contribution, towards the costs of the appeal incurred by the complainant or by the practitioner (ibid., reg. 9 (8)). Such matters as the summoning of witnesses and the awarding of costs are otherwise governed by the Local Government Act, 1933, s. 290 (2), (3) and (5) (S.I. 1956 No. 1077, reg. 9 (9)). Provision regarding service of notices, etc., is made by ibid., Pt. IV.

*Complaints received*

The Ministry's Report for 1959, Pt. I (pp. 117–8), explained that most medical cases handled by the committee are initiated by complaints made by or on behalf of patients, most alleging that the doctor failed to visit when the patient's condition required a visit or to exercise reasonable skill and care in treatment. A few cases arise from reference by the executive council, e.g., if a doctor is not complying with his obligations to return the medical records of patients who have left his list. About four-fifths of the cases are found not to disclose a breach of the terms of service. It is emphasised that withholdings of remuneration by the Minister are not fines or penalties but are withholdings under contract reflecting the extent to which the failure to comply with the terms of service shows a falling short of contractual obligations.

The Ministry's Report for 1960, Pt. I (p. 92), showed that most appeals made to the Minister against decisions of executive councils concerned medical and dental cases, and they arose slightly more frequently from patients than from practitioners in a ratio of five to four respectively. Of the seven successful medical appeals, three were made by patients. The 1959 Report, Pt. I, stated (at p. 118) that patients' appeals mainly arose where the practitioner had been found not in breach of his terms of service, while practitioners' appeals generally arose where a breach had been found and was followed by a recommendation to withhold money.

That neither the quantity of cases nor the majority of sums withheld are unduly great, although each one means a lot to the individuals concerned, is shown in the following tables relating to the General Medical Service. Statistics of cases concerning the Tribunal are given in the section of this article dealing with that body (pp. 1064–5, *post*).

TABLES 2–6. GENERAL MEDICAL SERVICE

*Table* 2.—Service Committee Cases in England and Wales reported to the Minister and Decisions issued, 1948–60

| Recommendations received from Executive Council | 5.7.48 to 31.12.49 | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Removal from list .. .. | 2 | 1 | — | 2 | 2 | 2 | 3 | 1 | 1 | 1 | — | — |
| Withholding money .. .. | 23 | 32 | 56 | 60 | 76 | 79 | 60 | 44 | 32 | 37 | 40 | 36 |
| Other action* .. .. .. | 2 | 11 | 11 | 20 | 15 | 8 | 10 | 4 | 3 | 5 | 3 | 5 |
| Warning letters .. .. .. | 35 | 49 | 37 | 47 | 46 | 37 | 30 | 30 | 37 | 32 | 32 | 43 |
| No action (breach) .. .. | 117 | 232 | 251 | 283 | 311 | 233 | 281 | 248 | 8 | 6 | 14 | 18 |
| No breach .. .. .. | | | | | | | | | 247 | 268 | 295 | 308 |
| Total .. .. | 179 | 325 | 355 | 412 | 450 | 359 | 384 | 327 | 328 | 349 | 384 | 410 |

* Reimbursement by practitioner of patient's expenses; fixing special list for doctor; withholding from practitioner the cost of unsatisfactory work (where a larger withholding was proposed the case is placed under "Withholding money").

*Note:* Cases where more than one recommendation was made are included only under the more serious of the recommendations. A case may involve more than one patient.

*Source:* Ministry of Health Annual Reports.

*Table* 3.—Service Committee Cases in England and Wales in which the Minister directed Withholdings from Remuneration due to Respondent Practitioners, 1951–60: Classified by Amounts Withheld

| | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 |
|---|---|---|---|---|---|---|---|---|---|---|
| Up to and including 5 guineas .. .. .. | 13 | 11 | 16 | 9 | 15 | 3 | 2 | 4 | 1 | 3 |
| Over 5 and up to 10 guineas .. .. .. | 8 | 13 | 12 | 12 | 12 | 9 | 7 | 5 | 5 | 5 |
| „ 10 „ „ „ 25 „ .. .. .. | 15 | 19 | 12 | 25 | 10 | 13 | 10 | 11 | 11 | 19 |
| „ 25 „ „ „ 50 „ .. .. .. | 9 | 12 | 12 | 14 | 15 | 8 | 4 | 10 | 11 | 6 |
| „ 50 „ „ „ 100 „ .. .. .. | 1 | 6 | 4 | 13 | 4 | 7 | 3 | 11 | 3 | 4 |
| „ 100 „ „ „ 250 „ .. .. .. | 1 | 3 | 2 | 4 | 3 | 4 | 2 | 1 | — | — |
| „ 250 .. .. .. .. .. .. | — | 1 | 3 | — | 2 | 1 | 1 | — | — | — |
| Total Number of Withholdings .. .. | 47 | 65 | 61 | 77 | 61 | 45 | 29 | 42 | 31 | 37 |

*Source:* Ministry of Health Annual Reports.

# Christmas Appeals

## THE CRIPPLES' HELP SOCIETY

MANCHESTER, SALFORD & NORTH-WEST ENGLAND

President: The Rt. Hon. The Earl of Derby, M.C.

This is a VOLUNTARY society engaged in work for the welfare of the physically handicapped and disabled. It has over 5,000 cripples from Lancashire and North-West England on its register and is in urgent need of funds to maintain and, if possible, extend the work of its Welfare Department and its Craft Training and Rehabilitation Department; also for "White Heather Home" for crippled and needy children, and "Tan-y-Bryn", its holiday and residential home for cripples, both in North Wales.

The Society, which was founded 64 years ago, has been able to carry on its work during all these years, thanks to the measure of voluntary support it receives from the public in the north-west. Valuable support is necessary even to maintain the work at its present level, and gifts will be gratefully received and acknowledged.

CHRISTMAS PARCELS
Over 2,000 parcels and presents are distributed each year by the C.H.S.

LEGACIES
are earnestly re ested

An ANNUAL REPORT and full information will gladly be sent on request

**5 CROSS STREET, MANCHESTER, 2**

*(Registered in accordance with the National Assistance Act, 1948)*

---

For 77 Years

## THE CLAPTON MISSION

has offered a ministry of

**EVANGELICAL SOCIAL WELFARE WORK IN EAST LONDON**

TO MEET THE NEEDS OF TO-DAY IT OFFERS HAPPY FELLOWSHIP to hundreds of OLD AGE PENSIONERS in its OLD FOLK'S CLUBS, etc. It provides 400 WEEKS' HOLIDAYS each year, at charges the poorest can afford, at its Herne Bay REST AND HOLIDAY HOME.

AT CHRISTMAS IT OFFERS a CHRISTMAS DINNER and a PARCEL to 200 ageing folk, and a PARTY OF LONELY FOLK are sent for a week to the HOLIDAY HOME.

SOME 300 CHILDREN AND ADOLESCENTS are training for the Battle of Life in its UNIFORMED YOUTH ORGANISATIONS.

OVER 400 MEN AND WOMEN regularly hear the GOSPEL MESSAGE in Services, Fellowships, Wives' Clubs, etc.

This Methodist Mission, which serves all, regardless of class or creed

DEPENDS ON VOLUNTARY GIFTS

for the maintenance of its work.

**Donations, parcels of clothing, toys, etc., gratefully acknowledged by**

**Rev. Norman E. Barker,**
**65 ELDERFIELD ROAD,**
**LONDON, E.5**

---

## THE GENTLEWOMEN'S WORK AND HELP SOCIETY (Inc.)

ESTABLISHED 1891

***Helps Gentlewomen of all ages resident in all parts of the British Isles***

1. **By granting Bursaries and Loans** to the young to enable them to train for professions
2. **By organising drawing room Sales** and maintaining a depot where members send needlework and handicrafts
3. **By giving Pensions, Annuities and Relief in emergencies** to those too old and infirm to work any longer
4. **By establishing accommodation for elderly ladies**

**WILL YOU HELP IN THIS WORK BY SENDING A DONATION, BECOMING A SUBSCRIBER OR BY REMEMBERING US IN YOUR WILL?**

*Particulars from The Secretary,*
*Office and Depot:* 1 RIDGEFIELD, KING STREET, MANCHESTER, 2

---

## MORAVIAN MISSIONS

Oldest Protestant Missionary Church: 1732
First to the Jews: 1736
First to send out Medical Missionaries: 1747

First to work among Lepers: 1818. Actual Cures. Converts outnumber Home Membership by 3 to 1. "The fine work of the Moravian Missionaries is known from Greenland to the Himalayas"—*The Times.*

**LEGACIES AND SUBSCRIPTIONS GREATLY NEEDED**

London Association in aid of Moravian Missions
32 Great Ormond Street, London, W.C.1
*Hon. Secretary:* Doris E. Hunt
Bankers: Williams Deacon's Bank Ltd.

---

SOCIETY FOR THE ASSISTANCE OF LADIES IN REDUCED CIRCUMSTANCES

Founded by the late Miss Smallwood — Patron: Her Majesty The Queen

## Christmas Appeal

Christmas is drawing near—and to many of our poor, sick and elderly ladies, who are suffering great hardships, it will not be a joyful season. Please send money for extra comforts.

*Will Lawyers kindly advise their Clients to help this Society? Making cheques payable to*

**MISS SMALLWOOD'S SOCIETY**
**LANCASTER HOUSE, MALVERN**

## SOLICITORS BENEVOLENT ASSOCIATION

Instituted 1858

*Patron:* HER MAJESTY THE QUEEN

This Association is composed of SOLICITORS who are on the ROLL for ENGLAND and WALES, and its objects are:—

To relieve, either by donations or annuities, necessitous Solicitors, their wives, widows and families.

The Relief granted last year totalled **£29,650 19s. 7d.**

A minimum subscription of £1 1s. 0d. per annum constitutes a member, and a payment of £21 0s. 0d. a Life Member of the Association.

Forms of application for membership obtainable from the Association's offices, Cliffords Inn, Fleet Street, London, E.C.4, or from any Provincial Law Society or Director of the Association.

## THE CHALLENGE OF LABRADOR

Over the sub-arctic coastline of Labrador and Northern Newfoundland the GRENFELL MISSION operates Hospitals, a Sanatorium, Nursing Stations, Children's Homes and other forms of social work.

Begun by Sir Wilfred Grenfell in 1892 for the fishermen it is interdenominational and supported by voluntary subscriptions from the United States, Canada and Great Britain.

*Support in the form of legacies and covenanted subscriptions is earnestly needed for this great undertaking.*

### THE GRENFELL ASSOCIATION

OF GREAT BRITAIN AND IRELAND

HOPE HOUSE, GREAT PETER STREET, LONDON, S.W.1

*Patrons:*

H.M. THE QUEEN

H.M. QUEEN ELIZABETH THE QUEEN MOTHER

*Hon. Treasurer:* The Rt. Hon. Lord Grenfell, T.D.

*Information may be obtained from the Secretary*

*Lepers receiving food at one of our Leper colonies in Africa.*

## WORLD-WIDE ADVENT MISSIONS

**Operating over 200 hospitals and clinics and a fleet of medical launches**

**Caring for thousands of lepers**

**Educating through 3,500 mission schools**

**Preaching the gospel in 800 languages**

***GIFTS AND LEGACIES REQUESTED***

Write for illustrated booklet to:—

THE SECRETARY, WORLD-WIDE ADVENT MISSIONS
STANBOROUGH PARK, WATFORD

*Bankers: Midland Bank Limited*

## THE LEAGUE AGAINST CRUEL SPORTS

'SHEBA WITH A FOX

IS THE LEADING SOCIETY WHICH CAMPAIGNS FOR BETTER TREATMENT FOR WILD ANIMALS

THE LEAGUE MAINTAINS TWO ANIMAL SANCTUARIES ON EXMOOR FOR THE PROTECTION OF WILD DEER

*Full particulars of the League's work supplied to any solicitor whose clients may wish to assist this worthy cause with a legacy or donation*

MONARCH OF THE GLEN

The League Against Cruel Sports

58 MADDOX STREET, LONDON, W.1 Telephone: MAYfair 5538

*Table* 4.—Service Committee Cases in England and Wales, 1949–60. Action taken by the Minister on Appeals against Decisions of Executive Councils

| | 1949 | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Appeals made .. .. .. | 4 | 30 | 33 | 51 | 38 | 43 | 46 | 29 | 20 | 52 | 44 | 48 |
| Appeals allowed .. .. .. | — | 7 | 3 | 5 | 2 | 6 | 8 | 4 | 2 | 5 | 1 | 7 |

*Source :* Ministry of Health Annual Reports.

*Table* 5.—Service Committee Cases in England and Wales in which the Minister varied Decisions of Executive Councils, 1948–59

| | 5.7.48 to 31.12.49 | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Total number of cases .. .. .. | 113 | 293 | 351 | 469 | 440 | 381 | 378 | 335 | 315 | 369 | 383 |
| Decisions varied .. .. .. .. | 20 | 24 | 19 | 22 | 29 | 31 | 30 | 31 | 17 | 30 | 26 |
| Decisions endorsed .. .. .. | 93 | 269 | 332 | 447 | 411 | 350 | 348 | 304 | 298 | 338 | 357 |

*Source :* Ministry of Health Annual Reports.

*Table* 6.—Service Committee Cases in England and Wales in which the Minister varied Decisions by Executive Councils on Withholdings from Remuneration showing the Number of Cases in which the Variation resulted from an Appeal to the Minister, 1951–59

| | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 |
|---|---|---|---|---|---|---|---|---|---|
| (i) Cases in which withholding varied .. .. .. | 13 | 19 | 15 | 25 | 23 | 18 | 10 | 20 | 16 |
| (ii) Cases in (i) in which withholding was increased .. | 6 | 4 | 6 | 8 | 5 | 6 | 3 | 8 | 4 |
| (iii) Cases in (i) in which withholding was reduced .. | 7 | 15 | 9 | 17 | 18 | 12 | 7 | 12 | 12 |
| (iv) Cases in (i) in which withholding was varied following an appeal .. .. .. .. .. .. .. | 5 | 8 | 4 | 6 | 5 | 3 | 3 | 6 | 9 |

*Source :* Ministry of Health Annual Reports.

### The Medical Advisory Committee

This committee is constituted to assist the Minister to discharge his duties in connection with withholding money from general medical practitioners (as mentioned at p. 1061, *ante*). It consists of the Chief Medical Officer of the Ministry or his deputy, as chairman, and of two other medical practitioners in the service of the Ministry, and of three medical practitioners appointed by the Minister in rotation from a panel of practitioners nominated by a body which is in his opinion representative of practitioners engaged in the provision of general medical services. The body so recognised is the British Medical Association. The chairman with one Ministry practitioner and two practitioners from the panel form a quorum (S.I. 1956 No. 1077, reg. 11 (4)). The Minister may refer any case involving a recommendation to withhold money in respect of a breach of the terms of service from a practitioner to this committee; he must do so where the breaches of the terms of service are failure to exercise reasonable skill and care in the treatment of a patient, failure to visit or treat a patient whose condition so requires, failure to order or supply any necessary drugs or appliances for the use of a patient, or failure to discharge the obligations imposed on a practitioner to give a patient the requisite assistance to enable him to obtain any treatment which is not within the scope of the practitioner's obligations under the terms of service (ibid., reg. 11 (3)). In 1960 this committee advised about amounts to be withheld from remuneration in twenty-eight cases (Ministry of Health Report for 1960, Pt. I, p. 92).

### Local Medical Committee

A local medical committee is one formed for the area of an executive council and recognised by the Minister as being representative of the medical practitioners of that area. The relevant executive council in exercising its functions as to the general medical services is required to consult with the committee and may pay for the administrative expenses, etc., of the committee. Such a committee may delegate any of its functions to sub-committees composed of its members. For both the making of payments by the council to the committee and the delegating of the committee's functions to sub-committees, the Minister's approval is required (1946 Act, s. 32, as amended by 1949 Act, Sched., Pt. I).

A local medical committee appoints three members of the medical service committee in its area (S.I. 1956 No. 1077, reg. 3 (2) (*a*)). It is entitled to be consulted by an executive council before the latter either alters arrangements it has made with practitioners for the provision of personal medical services (S.I. 1954 No. 669, Sched. I, Pt. I, para. 11 (*2*)), or determines that a practitioner has not provided general medical services in its area or has ceased to provide them (ibid., reg. 4 (7) (*b*)). It must also be consulted in connection with the selection of practitioners to fill vacancies in the area of an executive council (see p. 1057, *ante*) and is entitled to be represented at a hearing of oral representations to the Minister (see p. 1061, *ante*).

The Minister is empowered to refer various matters for the consideration of a local medical committee (S.I. 1956 No. 1077, regs. 12–17). These include alleged cases of excessive prescribing; failure to exercise reasonable care in the issue of medical certificates for the purposes of the National Insurance Acts; and failure adequately to keep records of clinical data regarding patients: also any questions arising, whether or not in the course of an investigation by the medical service committee, whether any treatment given by a practitioner is treatment for which he may demand or accept a fee from the patient; any question whether a substance supplied by a practitioner was a drug forming part of pharmaceutical services provided under the 1946 Act with a view to recovering the cost from the practitioner if it was not such a drug; and any alleged case of a practitioner failing to collect prescribed drug charges or failing to pay over to the executive council the amounts which he has so collected.

A local medical committee may consider any complaint made to it by any practitioner against a practitioner practising in the committee's area which involves any question of the efficiency of the general medical services (ibid., reg. 21 (1)).

Detailed procedure is prescribed in respect of those matters which the Minister may refer to the committee. It would

be tedious to describe fully these provisions under ibid., regs. 12–17. In general the committee must make recommendations against which the practitioner may appeal by sending to the Minister notice of appeal within one month from the date on which notice of the committee's decision was received. The Minister will appoint up to three referees, none of whom may be officers of the Ministry of Health and of whom at least one must be a practitioner, to hear and by a majority determine the appeal. After considering the decision of the committee or referees the executive council in appropriate cases must make a recommendation to the Minister, who in turn will direct the council, as to the withholding of money from the practitioner, who may make representations to the Minister thereon under ibid., reg. 11 (see p. 1061, *ante*), which applies in such cases.

Special provisions as to referees are made by ibid., reg. 15, which is concerned with treatment for which fees may be charged by practitioners. If the committee and the executive council disagree, or if they are agreed but the Minister so wishes, the Minister will appoint as referees two practitioners, not being Ministry officers, and one barrister or solicitor in actual practice, whose majority decision will prevail. Rules of procedure for these referees are prescribed in ibid., Sched. II, and where there is to be a hearing the Minister must give at least twenty-one days' notice thereof to the executive council and the committee. Each body may appear at the hearing by the chairman, clerk or secretary of the body or by a member or by an officer duly appointed for the purpose, or by counsel or solicitor, and the Minister may appear by one of his officers. The bodies and the Minister may produce such evidence as in the referees' opinion may be relevant to the matters at issue. The referees must report their decision to the Minister.

### The Tribunal

The National Health Service Tribunal, constituted under s. 42 of and Sched. VII to the 1946 Act, was set up to inquire into cases where representations were made to it by an executive council or other party that the continued inclusion of a doctor in a list of practitioners undertaking to provide general medical services would be prejudicial to their efficiency.

The tribunal consists of a chairman, who must be a practising barrister or solicitor of not less than ten years' standing appointed by the Lord Chancellor, and two other members. Both those members are appointed by the Minister. One of them had to be appointed after the Minister had consulted with recognised associations of executive councils. The other member, known as the "practitioner member," must be one of a panel of six persons appointed by the Minister after consultation with the recognised professional organisations concerned, and where the case of a medical practitioner is the subject of investigation before the tribunal, the practitioner member will be the medical practitioner on the panel. Deputies to members of the tribunal may be appointed in the same manner as the members themselves (1946 Act, Sched. VII). The chairman holds office during the pleasure of the Lord Chancellor, and the member appointed after consultation with executive councils during the pleasure of the Minister (S.I. 1956 No. 1077, reg. 23).

The tribunal falls within the purview of the Council on Tribunals, referred to on p. 1058, *ante* (1958 Act, s. 1, Sched. I, Pt. I, para 10 (*b*)). The Minister has indicated that when the regulations governing the tribunal, executive councils and their service committees are next amended a right will be granted to members of the Council on Tribunals to attend hearings of those bodies; meanwhile they are given every facility to attend (*Hansard* (Commons), 24th January, 1961, Written Answers, col. 14).

*Procedure*

A complainant must send a written representation to the clerk of the tribunal, which after due consideration thereof may refuse to hold an inquiry unless the complainant is an executive council (S.I. 1956 No. 1077, regs. 25 and 26). Notices to be sent to the complainant and respondent (i.e., the practitioner against whom a representation is made) in connection with the holding of an inquiry are prescribed. Fourteen days' notice of the time and place of the inquiry must be given (ibid., reg. 31). The proceedings must be held *in camera* unless the respondent has applied for the inquiry to be held in public, but otherwise the procedure is within the tribunal's discretion (ibid., reg. 35). The widest representation, including that of counsel or solicitor, is allowed to an executive council or other body, the complainant and the respondent (ibid., reg. 36). With regard to summoning of witnesses, awarding of costs, etc., the provisions of the Local Government Act, 1933, s. 290 (2), (3) and (5) are applied (S.I. 1956 No. 1077, reg. 37). Provision regarding service of notices, etc., is made by ibid., Pt. IV.

The tribunal may suspend proceedings if the alleged facts may be the subject of investigation elsewhere, and where the grounds on which any representation is based consist solely of an allegation that the respondent has been convicted of a criminal offence, and he admits the truth of such allegation, the tribunal may with his consent dispense with an oral inquiry and determine the case upon the documentary evidence submitted (ibid., regs. 38 and 39).

*Report by tribunal*

At the inquiry's conclusion the tribunal must, as soon as may be, issue a statement containing its findings of fact and conclusions, and any directions as to the removal of the respondent's name from the medical list of the executive council concerned and of any other executive council and the non-inclusion of his name in any such list. It must also add any order which it may decide to make as to costs (ibid., reg. 40). The Minister must publish its decision in such manner as he thinks fit (ibid., reg. 43). The tribunal must further give notice to the respondent of his right of appeal to the Minister against any direction which it gave for the removal of his name from any list. The right may be exercised by submitting to the Minister a notice of appeal within fourteen days after such notice has been forwarded to the respondent. The notice of appeal must contain a concise statement of the facts and contentions upon which the appellant intends to rely (ibid., reg. 41).

*Procedure on appeal to Minister*

The Minister must appoint a person to hear the appeal and report thereon to him. He must also appoint a practitioner from the panel of practitioners referred to in ibid., reg. 11 (and at p. 1063, *ante*), to assist the person hearing the appeal. After considering the report of the person hearing the appeal and any recommendations made thereon by the medical advisory committee constituted under ibid., reg. 11 (see p. 1063, *ante*), he must give his decision and send a notice thereof to the appellant, the tribunal, the complainant and the executive councils concerned (ibid., reg. 42). He must publish in such manner as he thinks fit notice of the decision and of the imposition and removal of any disqualification (ibid., reg. 43). Generally the procedure laid down for the

## LOVERS OF ANIMALS

*are asked to make a bequest to*

**THE**

# P. D. S. A.

*Patron:* H.R.H. PRINCESS MARINA, DUCHESS OF KENT

*Founded in 1917 by* Mrs. M E. DICKIN, C.B.E.

*Hon. Treasurer:* The Rt. Hon. LORD BRABAZON OF TARA, P.C., M.C.

THE ONLY SOCIETY ESTABLISHED EXCLUSIVELY FOR THE FREE TREATMENT OF SICK ANIMALS WHOSE OWNERS CANNOT AFFORD PRIVATE VETERINARY FEES

***Nearly 1,000,000 Cases Treated Annually***

**THE PEOPLE'S DISPENSARY FOR SICK ANIMALS**

**P.D.S.A. House, Clifford Street, London, W.1. (Tel. REGent 6916)**

*Incorporated by Special Act of Parliament*

## LONDON CITY MISSION

**Instituted 1835. 150 Missionaries Employed**

The Society exists for the spiritual and social uplift of the people of London, mainly by house-to-house visitation and evangelism in industry

**Latest Report Sent Free on Request**

**£2,200** weekly required for the maintenance of the Society's operations

***Testamentary Bequests Earnestly Solicited***

*Chairman:* E. G. A. BARTLETT, Esq.
*Treasurer:* O. B. GILBART-SMITH, Esq.
*Secretary:* Rev. Canon C. E. ARNOLD, M.A.
*Bankers:* Barclays Bank, Ltd., 54 Lombard Street, E.C.3

**6 ECCLESTON STREET, LONDON, S.W.1**

## ROYAL SURGICAL AID SOCIETY

**Founded 1862**

Residential Homes:

***Lea Hurst, Matlock: Blunt House, Oxted***

*Entirely dependent on Voluntary Contributions*

## *A RETIRING DISPOSITION*

The Methodist Ministers Housing Society exists to provide Methodist supernumerary Ministers with accommodation at rents which they can afford, when they retire from active work. It would be greatly appreciated if you will please advise your clients to consider the claims of the Society when they are making their Wills, or disposing of their properties. An illustrated brochure will be gladly sent on request. The following is suggested as a convenient form of bequest:

*"I bequeath to the Methodist Ministers Housing Society Ltd., 1 Central Buildings, Westminster, London, S.W.1, for the general purposes of the said Society the sum of £_____ free from duty, or my freehold leasehold residence known as_____ absolutely.*

*Treasurer:* REV. A. KINGSLEY LLOYD
*Secretary:* S. E. WEAVER, F.C.A.



**METHODIST MINISTERS HOUSING SOCIETY LTD.**

**1 Central Buildings, Westminster, London, S.W.1**

## TOC H

In a thousand ways and places TOC H gives the personal human touch of cheerful friendship lacking in many lives

***Please help this voluntary work to spread***

**TOC H, 15 TRINITY SQUARE, LONDON, E.C.3**

FOUNDED BY REV. P. B. ('TUBBY') CLAYTON, C.H., M.C.

## THE SAILORS' HOME AND RED ENSIGN CLUB

**DOCK STREET, LONDON, E.1.**

**Founded 1830 Incorporated 1912**

**President:**
Admiral of the Fleet The Earl Mountbatten of Burma, K.G.

Chairman: Admiral Sir Alan Scott-Moncrieff, K.C.B., C.B.E., D.S.O.

### THE PARENT SAILORS' HOME

Provides officers and seamen of the Merchant Navy with a comfortable Home and Club. After recent modernisation it has now accommodation for 245 persons in separate rooms.

Charges are kept to the minimum. The Club is a Charity, and for its maintenance and to meet the cost of rebuilding, depends mainly on voluntary subscriptions and legacies.

The Council of Management also administers the Destitute Sailors' Fund.

**Please remember this essential service to seafarers when advising clients**

Banker: Messrs. Williams Deacons Bank Ltd., Birchin Lane, E.C.3

# A CATHOLIC CHARITY

## for Orphan and Destitute Catholic Boys

CANON W. HUNTING

St. Francis' Home, Shefford, Beds.

---

## "Charity begins at . . . *Where?*"

"Charity begins at home" is an important but limited idea. But where *should* it begin? What are the fundamental needs of society, and how can *they* be met?

The homeless need shelter, the hungry need food, the ill-treated need protection—true, and all honour to those who meet this kind of need.

But the human problem is a deeper one than that—it is a spiritual problem, we say And spiritual problems need spiritual answers. To provide these is the function of

**THE SCRIPTURE UNION AND THE CHILDREN'S SPECIAL SERVICE MISSION**

*5 WIGMORE STREET, LONDON W.1*

This worldwide movement exists to spread the Christian faith by every possible means among children and young people especially. More than 100 full-time staff representatives are at work in schools (including approved schools, and homes), churches, and communities of every kind; they encourage regular reading of the Bible and lead camps and housepartties at which the Christian faith is clearly presented.

---

**MISS AGNES WESTON'S**

# ROYAL SAILORS' RESTS

Portsmouth (1881) Devonport (1876)
Londonderry (1957) Weymouth (1961)

AIMS—The Spiritual, Moral and Physical well-being of men of the Royal Navy, their wives, and families.

NEEDS—FUNDS to carry on Gospel, Temperance and Welfare work, and to meet increasing costs of General Maintenance, improvements and extensions.

LEGACIES ARE A VERY WELCOME HELP

*General Secretary:* **Lieut.-Com. F. M. Savage, F.C.C.S., R.N.**

*Gifts to: The Treasurer (S.J.), Royal Sailors' Rests, Head Office, 31 Western Parade, Portsmouth.*

---

# GUILD of AID for GENTLEPEOPLE

**280a EARLS COURT ROAD, LONDON, S.W.5**

Telephone: FRObisher 1747 (late of Eccleston Square)

*President: H.R.H. THE DUCHESS OF GLOUCESTER*
*Chairman: MISS HELEN BRYANT*
*Hon. Treasurer: Lt.-Col. S. C. WILLIAMS*

ASSISTANCE GIVEN TO MEN AND WOMEN OF GENTLE BIRTH OR GOOD EDUCATION, ESPECIALLY THOSE WHOM AGE OR ILLNESS, ETC., PREVENT FROM WORKING

***LEGACIES and DONATIONS GREATLY NEEDED***

---

# THE HARRISON HOMES

*(Formerly Homes for the Aged Poor)*

49 ST. JAMES'S GARDENS, LONDON, W.11

Founded in 1869 to provide Homes for deserving old people who have spent their lives in the service of others.

This Charity now maintains 18 Homes, providing a room each for 150 Residents, where they have their own furniture and lead independent lives.

The Charity depends on Voluntary Subscriptions and Legacies and **urgently needs funds** for the continuation and expansion of the work.

*Further particulars may be obtained from*

The Secretary, 49 St. James's Gardens, Notting Hill, W.11

---

# THE BRISTOL HOSPITALS FUND (INC.)

*President:* HIS GRACE THE DUKE OF BEAUFORT, K.G., G.C.V.O., P.C.
*(Chairman of Appeals and Allocation Committee:* Professor A. V. Neale)
*Hon. Secretary to the Committee:* John Dodd

IS A TRUST CORPORATION ACTING AS THE CENTRAL FUND FOR AMENITIES FOR HOSPITAL PATIENTS, MEDICAL RESEARCH AND MEDICAL CHARITIES IN THE WEST OF ENGLAND.

More than forty charities supported, including the Bristol Royal Hospital and the University of Bristol Cancer Research Funds.

*Enquiries Invited*

**ROYAL LONDON BUILDINGS, 42 BALDWIN STREET, BRISTOL, 1**

*Telephone:* BRISTOL 2-3495 *Telegrams:* VOLUNTARY, Bristol

---

# ROYAL NORMAL COLLEGE FOR THE BLIND

*(formerly at Upper Norwood, S.E.19)*

**ALBRIGHTON HALL, BROAD OAK, SHREWSBURY and ROWTON CASTLE, Near SHREWSBURY**

THE College provides education and vocational training in music, piano tuning and shorthand-typewriting for one hundred and fifty boys and girls, the majority of whom become self-supporting citizens. It thus makes a definite contribution to national economy in effecting the complete rehabilitation of many disabled persons.

Voluntary effort was responsible for the foundation of the College and has continued to play an important part in its life. The College has used its own funds freely for the welfare of blind persons, and the replenishment of these funds is necessary to enable it to continue to help its students in ways additional to those provided by Public Authorities, and to maintain the speed and flexibility of action which are advantages of a voluntary service.

Persons considering suitable objects for charitable bequests are begged to apply to the Secretary for full particulars.

tribunal applies to the hearing of appeals to the Minister and again the provisions of s. 290 (2), (3) and (5) of the Local Government Act, 1933, are applied to such hearing (see pp. 1062 and 1064, *ante*) (S.I. 1956 No. 1077, reg. 42 (2) and (4)). Provision regarding service of notices, etc., is made by ibid., Pt. IV.

*Statistics*

In the 10½ years from 5th July, 1948, to 31st December, 1958, executive councils made representations to the tribunal in fourteen cases involving doctors (out of a total of seventy-four cases of all types). Only executive councils made representations. Seven doctors were disqualified from further practice under the National Health Service, and one doctor was allowed to resign on giving an undertaking not to practise under the Service. Six of the seventeen applications for reinstatement or release from undertakings considered by the tribunal were from doctors. Altogether during that period fourteen appeals were made to the Minister from the tribunal and, of those, two —one by a chemist and the other by a dentist—were successful (Ministry of Health Report for 1958, Pt. I, Cmnd. 806, July, 1959, p. 143).

In 1959 the tribunal considered representations made by an executive council for the removal of the name of a pharmacist from the pharmaceutical list and this was still being considered at the end of the year. Applications for removal of disqualifications imposed in 1955 in respect of a doctor and in 1951 in respect of an ophthalmic optician were granted (Ministry of Health Report for 1959, Pt. I, pp. 118–119).

Last year, after considering representations made by three executive councils, the tribunal directed that the names of two dentists and of a pharmaceutical company should be removed from the dental or pharmaceutical list and should not be included in the list of any other executive council. No appeals were received by the Minister against these decisions. As in previous years no person or body other than an executive council made representations to the tribunal. An application from an ophthalmic optician for the removal of a disqualification made in 1950 was granted by the tribunal. In addition the tribunal released a medical practitioner from an undertaking he gave in 1956 about advertising for an assistant (Ministry of Health Report for 1960, Pt. I, p. 93).

*Right of appeal to High Court*

The tribunal is one of the bodies in respect of which there is now a right of appeal to the High Court on points of law under the Tribunals and Inquiries Act, 1958, s. 9. Any party to proceedings before the tribunal if dissatisfied with a decision of the tribunal in point of law may, under provisions made under that section, either appeal from the decision to the High Court or require the tribunal to state and sign a case for the opinion of the High Court. Such a case will come before a Divisional Court of the Queen's Bench Division. In respect of such an appeal, a notice of motion must be served and the appeal entered within fourteen days of the date of decision appealed against, calculated from the time when the decision was sent to the appellant, and there must be at least fourteen days between the service of notice and the date named therein for the hearing (see generally Rules of the Supreme Court, Ord. 59, rr. 34–36, and Ord. 59A, and in particular Ord. 59A, rr. 1, 2 (3) and 4).

NEVILLE D. VANDYK.

## Review Article

# IN DARKEST BEDFORDSHIRE

THE "Bedfordshire Coroners' Rolls"* is a scholarly work of research, being the forty-first volume published by the Bedfordshire Historical Record Society. It contains a selection of records of violent deaths occurring in an area comprising half of Bedfordshire between the years 1265 and 1380. The cumulative effect is astounding. In a few rural parishes, containing no town and with probably not more than a few thousand country people in scattered hamlets, life was like the Wild West. In the year 1270 alone, no less than twenty-three murders were investigated. They were murders of the utmost brutality, the favourite weapon being the axe, with the pick-axe a close second. Surprisingly, it was possible to kill a man by hitting him with a "barbed arrow of peacock's feathers in the brawn of the thigh." A few of the quarrels were quarrels over money and goods but the majority of the killings were done by gangs of men who "broke the walls" of houses by night and flailed around generally with their axes. A surprisingly large number of them were caught and hanged but the records carry a vivid suggestion of the crudity with which crime was pursued in an unprotected society. One reads repeatedly of the survivor of a violent attack hiding in the house and then in the morning raising the hue and cry. What sheer terror lies in the thought of having to wait until daylight before you dare give the alarm. Killing was legitimate in the hue and cry. Read this: "At twilight on the 25th April, 1275, an unknown felon was standing among the black-thorns below Putnoe by the Kings Highway at Putnoe in the Parish of Goldington, when brother Ralph the carpenter, a woodseller, came with Henry the Hayward, a servant boy. They wished to go to their lodging but the felon stole a good coat of blanket and fourpence in coin from brother Ralph and a coat of russet from the said Hayward and then ordered them to go home. They went to their lodging and immediately raised the hue which was followed. The neighbourhood came, pursued the felon, found him below Putnoe Wood fleeing with the stolen goods and tried to arrest him, but could not because he defended himself with a bow and arrows and would not surrender. Therefore brother Henry le Granger's servant Peter slew him in flight."

Finding a body was a terrifying responsibility, and there are examples in these stories of people finding an injured man and carrying him home to try to save him but, after his death or even when they had only decided he was going to die, carrying him back to where they had found him and leaving him there, dead or dying, so that they would avoid the responsibility of being the apparent finders. Those who found bodies had immediately to find sureties who would go bail for them and thus prove their innocence. When the inquest was held, the whole parish was responsible. It was for the parish to explain how the death occurred and to say who was suspected and to find the felon if they could. There are fascinating glimpses of men using the sanctuary of the Church: "On 23rd October, 1273, Robert son of Margery of Eggington fled to Eggington Church from fear, because the township wished to arrest him because they suspected him of thefts. He stayed there until the 29th November when he confessed before the Coroner that he was a thief, having stolen half a ham worth two shillings, hens, geese and many other things. He was unwilling to surrender to the King's Peace and so he abjured the realm according to law and custom and chose the Port of Dover. He had chattels worth two shillings which were delivered to Eggington." So, deprived of everything he owned, he set out for Dover; knowing

* **Bedfordshire Coroners' Rolls.** Volume XLI. Edited by R. F. HUNNISETT. pp. xlv and (with index) 165. 1961. Streatley, Bedfordshire: Bedfordshire Historical Record Society. £1 5s. net.

he was safe from justice as long as he never left the highway except to sleep and stopped nowhere for longer than one night. He chose his port and was expected to leave England for ever. Defenceless and outlawed, Robert probably never reached Dover. The chances are he never even tried. The next county was far enough away for a man to be out of sight of justice.

There was a valuable financial side to the coroner's work. Deodand was the rule and this provided all sorts of useful pickings for the parish: "On the 30th November, 1273, Alice, daughter of Richard le Bercher of Cople, age 1½, was sitting by the fire in her father's house, when a dish full of boiling water, which stood on a trivet on the fire, by misadventure fell on her so that she died on the 8th December. The dish was appraised at sixpence and the trivet at twopence. They were delivered to Cople."

Here again: "On the 27th January, 1273, William Doy of Toddington, servant of the Abbot of Woburn, climbed an oak on the eastern side of Woburn Wood and, standing on a ladder, cut a branch. The branch fell on his head and threw him from the ladder so that he fell, broke the whole of his body and immediately died. William Schanterel first found him, raised the hue, which was followed. The ladder was appraised at one penny and the branch at twopence. They were delivered to Woburn Chapel." There were few traffic accidents but this one has a racy flavour: "After daybreak on the 30th June, 1272, Robert Branduz of Biddenham, went in a cart drawn by a horse and came into the street towards the house of Nicholas Pinnecunte. A filly aged 1½ came and the horse pursued it, running powerfully with the cart for a furlong when by misadventure the cart fell over and Robert fell and broke his neck and immediately died." The horse worked out at four shillings, the cart at one shilling and the filly at nineteen pennies. The parish did rather better than usual.

The records make many references to poor women and children begging their bread from door to door and later being found dead with cold. There is something immensely touching in the following sentence: "At twilight on the 19th February, 1272, Roger son of Agnes of Maulden, a poor boy aged 8, was sitting in the road opposite Reynold le Wyt's house in Maulden and wept for lack of a house." Unfortunately, when the kind-hearted Reynold went to bring the boy in "thieves came and struck him on the top of the head, apparently with a pik-axe so that his brain issued forth, and killed the boy because he shouted."

See what happened to Cicely Carpenter, aged 2½, on the 29th May, 1270. She "went out of her father's door and went near a ditch in Wilshamstead, carrying bread. A small pig came and tried to take the bread from her hand and she fell into the ditch and drowned by misadventure." The pig was only appraised at twopence, which must have been a bit disappointing to the people of Wilshamstead.

It is a pleasant change for a modern coroner to read about hundreds of deaths with never a single suicide amongst them, with not a word about gas ovens or barbiturates. And what a relief to hear nothing about the extremely safe speed the car was going at just before the accident. Nevertheless, the picture of violence and bloodshed in this simple peasant community is profoundly moving and surprising.

The book has a thirty-page introduction on the origin and nature of the mediaeval coroner's duties which is far and away the most informative thing on the subject I have seen anywhere, bar none.

My one complaint about the book is that, while it is printed on beautiful paper, hardly any of the pages in my copy had been cut. As paper knives aren't so common as they used to be, I had to sit there with a kitchen knife in my hand, which was dangerous when I wanted to move my pipe. I was living in a world where the loss of an eye meant nothing.

E. A. W.

## BOOKS RECEIVED

**Key to Income Tax and Surtax, 1961–62:** Finance Act Edition. Edited by PERCY F. HUGHES. pp. 247. 1961. London: Taxation Publishing Company, Ltd. 12s. 6d. net.

**Considerazioni Economiche e Giuridiche in Tema di "Banalizzazione."** By Avvocato A. TEMPESTA and Dr. F. LAMANNO. pp. 22. 1961. Genoa: Civico Istituto Colombiano.

**Fieldhouse's Income Tax Simplified.** Twenty-eighth Edition. Completely revised by H. E. D. AYLING, A.A.C.C.A., A.S.C.T. pp. 79. 1961. Huddersfield: Arthur Fieldhouse, Ltd. 4s. 6d. net.

**The Lawyer.** Incorporating The Oxford Lawyer. Volume IV, No. 3. Michaelmas, 1961. London: The Lawyer. 3s. 6d. net.

**Underhill's Law Relating to Trusts and Trustees.** Eleventh Edition. Second Cumulative Supplement. By M. M. WELLS, M.A., of Gray's Inn, Barrister-at-Law. pp. xi and 56. 1961. London: Butterworth & Co. (Publishers), Ltd. 12s. 6d. net.

**The Common Market and the Law.** Community Topics No. 4. By MICHAEL GAUDET. pp. 11. 1961. London: Information Service of the European Communities. Free of charge.

**African Conference on the Rule of Law.** Lagos, Nigeria. 3rd–7th January, 1961. With a foreword by JEAN-FLAVIEN LALIVE. pp. 181. 1961. Geneva: International Commission of Jurists.

**The Common Law Library No. 6: Charlesworth on Negligence.** Fifth Cumulative Supplement to the Third Edition. By R. A. PERCY, M.A. (Oxon), of the Middle Temple and North Eastern Circuit, Barrister-at-Law. 1961. London: Sweet & Maxwell, Ltd. 10s. 6d. net.

**Encyclopaedia of Road Traffic Law and Practice.** Release No. 4, 1st September, 1961. London: Sweet & Maxwell, Ltd. Service issue.

## "THE SOLICITORS' JOURNAL," 7th DECEMBER, 1861

ON 7th December, 1861, THE SOLICITORS' JOURNAL reported: "Some time ago an Arab butcher named Hamiti was sued for a pretended debt of 5,000f. by another Arab, named Ben Saadoun, who obtained a judgment in his own favour by means of three false witnesses, and the partiality of the cadi of Cherchell, his uncle. As every vestige of the poor man's property was swept away by this decision, and as he had vainly attempted to obtain justice, he went to France, and laid his case before the Emperor in person at St. Cloud. His Majesty gave orders that the matter should be fully investigated, and the result was that the perjury of the three witnesses was proved, and they were accordingly tried and condemned to three years' imprisonment and 4,000f. damages. After this trial Hamiti sued his pretended creditor for the return of the property seized, but the cadi of Cherchell declared himself incompetent to entertain the case. From that judgment Hamiti appealed to the Imperial Court, which has just declared that the cadi of Cherchell ought to have tried the cause; it . . . condemned Ben Saadoun to pay 6,000f. damages . . ."

# NOTES OF CASES

*These notes are published by arrangement with the Council of Law Reporting. Except in respect of those marked *, full reports of the judgments, revised by the judges, will shortly appear in the Weekly Law Reports.*

Case Editor: J. D. PENNINGTON, Esq., Barrister-at-Law

## Judicial Committee of the Privy Council

### REVENUE: HONG KONG: SEPARATE SOLE AND PARTNERSHIP BUSINESSES: SET-OFF

**Commissioner of Inland Revenue *v.* Four Seas Co., Ltd.**

Lord Denning, Lord Devlin and the Rt. Hon. L. M. D. de Silva. 27th November, 1961

Appeal from the Supreme Court of Hong Kong (Appellate Jurisdiction).

A corporation which carried on business in Hong Kong both by trading solely on its own account, where it made a loss, and by trading in partnership with another company, where it made a profit, contended that whether the business it did was done by it solely or in partnership it was business done by it as a corporation, and that it was liable under s. 14 of the Inland Revenue Ordinance of Hong Kong (c. 112) to pay corporation profits tax on its half-share of the profits of the partnership, but that as against that share it could set off under s. 19 (1) of the Ordinance the loss made by it as a corporation in its sole trading. Section 19 provided: "(1) . . . where a loss is incurred in any year of assessment by a person chargeable to tax . . . the amount of such loss . . . shall . . . be set off against what would otherwise have been the assessable profits of such person . . ." By s. 22: "(1) Where a trade, profession or business is carried on by two or more persons jointly the assessable profits therefrom shall be computed in one sum and the tax in respect thereof shall be charged in the partnership name." The Supreme Court of Hong Kong (Appellate Jurisdiction) held that, in respect of assessments for the years 1955–56 and 1956–57, the corporation could set off its sole trading losses against its joint venture profits. The Commissioner of Inland Revenue appealed.

LORD DEVLIN, giving the judgment, said that s. 22 provided in the case of a partnership for one assessment only, and the person assessed was the partnership, which was the person who had the "assessable profits" within the meaning of s. 19 (1). Accordingly, since the partnership was not in this case the person who incurred the loss, the loss could not be set off against those assessable profits. The corporation was not therefore entitled to set off the loss it made in its sole trading against the profits made in the partnership. Appeal allowed.

APPEARANCES: *Heyworth Talbot*, Q.C., and *Roderick Watson* (*Charles Russell & Co.*); *H. H. Monroe*, Q.C., and *Philip Shelbourne* (*Ellis, Bickersteth & Co.*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law]

### PRACTICE: DELIVERY OF PLEADING IN LONG VACATION: EFFECT

**MacFoy *v.* United Africa Co., Ltd.**

Lord Denning, Lord Devlin and the Rt. Hon. L. M. D. de Silva. 27th November, 1961

Appeal from the West African Court of Appeal.

The plaintiffs issued a writ against the defendant in the Supreme Court of Sierra Leone on 19th August, 1958, during the long vacation which ran from 15th July to 15th September, and on 5th September, 1958, still in the long vacation, delivered a statement of claim. The defendant, who had entered an appearance, delivered no defence, and judgment was given against him by default. His application to set aside that judgment on the ground that he had a good defence on the merits having been dismissed by the Supreme Court, he appealed to the West African Court of Appeal, when, for the first time, he contended that the statement of claim, having been delivered in the long vacation, was a nullity and that all subsequent proceedings were void. His appeal was dismissed and he now appealed to the Board by special leave.

LORD DENNING, giving the judgment, said that, there being no express provision in the Rules of the Supreme Court of Sierra Leone that the times set by the rules for pleadings were to run during the long vacation, Ord. 52, r. 3, of those rules brought into operation in Sierra Leone the practice and procedure of the High Court in England as to pleadings during the long vacation. Either by the terms of the English R.S.C., Ord. 64, r. 4, or by the practice of the court (see note in the Annual Practice to Ord. 20, r. 1) it was a breach of the rules for the statement of claim to have been delivered or filed during any part of the long vacation except by direction of the court or a judge, and the plaintiffs had filed it without any such direction. What was the effect of that non-compliance? Order 50, r. 1, of the Rules of the Supreme Court of Sierra Leone (identical with Ord. 70, r. 1, of the English R.S.C.) provided that "Non-compliance with any of the rules . . . shall not render any proceedings void unless the court shall so direct, but such proceedings may be set aside . . . as irregular . . ." That rule would at first sight appear to give the court a complete discretion in the matter, but it had been held that it only applied to proceedings which were voidable, not to proceedings which were a nullity. The delivery of the statement of claim in the long vacation was only voidable and not void—it was only an irregularity and not a nullity—and it was therefore a matter for the discretion of the court whether it should be set aside or not. There was no ground here for interfering with the decision of the West African Court of Appeal; in the light of the history it was well within the discretion of that court to refuse to set aside the judgment. Appeal dismissed.

APPEARANCES: *E. F. N. Gratiaen*, Q.C. (Ceylon), and *T. O. Kellock* (*T. L. Wilson & Co.*); *Mark Littman*, Q.C. (*Linklaters & Paines*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law]

## Court of Appeal

### ESTATE AGENTS' COMMISSION: "WILLING AND ABLE TO SIGN A CONTRACT TO PURCHASE" AT STIPULATED PRICE

***A. L. Atkinson, Ltd. *v.* O'Neil and Bland & Co. (Investments), Ltd.**

Holroyd Pearce, Willmer and Davies, L.JJ.

27th November, 1961

Appeal from Edmonton County Court.

The vendor of freehold business premises with an off-licence instructed estate agents to offer them for sale at £5,250, commission being payable in the event of their "introducing or being responsible for introducing an applicant willing and able to sign a contract to purchase" at the stipulated price. The estate agents introduced purchasers who agreed to purchase "subject to contract." A draft contract was submitted to the purchasers and returned with some amendments, including a suggested apportionment of the purchase

price as between goodwill, fixtures and fittings, and stock. The vendor's solicitors replied that the agreement would be returned shortly transcribed for signature, no objection being made to the proposed apportionment. The purchasers took steps to have the off-licence transferred and secured to them by the proposed completion date; before that date the vendor's solicitors told the purchasers that the vendor appeared to be proposing to dispose of the property to another interested party for a higher price. The purchasers replied that they were still prepared to purchase on the terms already agreed, subject to contract. The vendor then told the estate agents that he was not proceeding with the sale. Later the purchasers told the agents that they were still ready to purchase, subject to contract, and regretted the failure of the sale. On the estate agents' claim for commission of £250 under the agreement, the county court judge gave judgment against the vendor, who appealed.

HOLROYD PEARCE, L.J., said that the real question was whether the decided cases prevented the judge from finding that the purchasers were willing and able to sign a contract to purchase, despite the fact that the evidence showed that on the normal meaning of those words they were. His lordship referred to *Graham & Scott (Southgate)* v. *Oxlade* [1950] 2 K.B. 257, per Cohen, L.J., at p. 265, and *Ackroyd & Sons* v. *Hasan* [1960] 2 Q.B. 144. The vendor had relied on the dictum of Evershed, M.R., in *John E. Trinder & Partners* v. *Haggis* [1951] W.N. 416, that "'willing to sign a contract' meant 'willing to sign a contract' (namely, a document being on the face of it an exhaustive statement of the terms of a bargain) 'in form put to him or approved by the vendor'." His lordship understood by the word "exhaustive" a contract which contained such terms as were necessary for a binding contract and left no matter outstanding on which there might reasonably be disagreement. Ultimately, the question whether the purchaser was willing and able to sign a contract to purchase was one of fact for the trial judge. The evidence here was that these purchasers were willing and able to sign the contract as put forward by the vendor although they provisionally suggested an apportionment of the price and none had been settled in the draft: but they were prepared to wait. There was nothing else of any materiality which they suggested altering. The judge was entitled to find as he had done. The appeal should be dismissed.

WILLMER and DAVIES, L.JJ., concurred. Appeal dismissed. Leave to appeal refused.

APPEARANCES: *Leslie Solley (Muscatt & Co.)*; *Ivor Richard (H. B. Wedlake, Saint & Co.)*.

[Reported by Miss M. M. HILL, Barrister-at-Law]

## Queen's Bench Division

### ARBITRATION: SOLICITORS' ADVICE SOUGHT BY UMPIRE

*** Andrea *v.* British Italian Trading Co., Ltd.**

McNair, J. 24th November, 1961

Motion.

A contract for the purchase of groundnuts, on Form No. 78 of the Incorporated Oil Seed Association, included a term that the final port of destination, as between Genoa and Taranto, be declared at the sellers' request but in any case not later than 1st February, 1961. The contract provided that all disputes should be referred to arbitration, the arbitrators having power, in the event of failure to agree, to appoint an umpire from whose decision the party dissatisfied might appeal to the appeal board of the association: the award of the board was to be deemed to be the award and to be final and conclusive. The sellers made no request by 1st February for the buyers to exercise their option to declare the port of destination and no such port was declared by the buyers until 22nd February. The sellers claimed that by that date the buyers, by reason of their failure to declare the port by 1st February, were in breach of contract and that they were entitled to rescind, and the buyers contended that the contract was still subsisting. The dispute was referred to arbitration and, the arbitrators having failed to agree, an umpire was appointed. The umpire sought assistance from his solicitors on the construction of the price and destination clause in the contract and the solicitors wrote giving their opinion. The umpire awarded that the "buyers have failed to declare the final port of discharge by 1st February, 1961, and therefore the contract is void." The buyers appealed and the board of appeal confirmed the award. The buyers now sought to have the umpire's award set aside on the grounds that he had been guilty of technical misconduct in obtaining legal advice from his solicitors and that the award, and the solicitors' letter, contained errors of law on their face since the questions which the umpire was called on to decide were whether the buyers were in breach of contract on 22nd February, 1961, when they declared the port and, if so, whether the sellers were entitled to rescind. It was also alleged that the board of appeal had misconducted themselves in that they had refused to issue their award in the form of a special case, but it was conceded that that contention could not be sustained.

MCNAIR, J., said that the course taken by the umpire was unobjectionable, nor was there an error of law on the face of his award; he was merely saying that the contract was at an end and that the sellers were excused from further performance. Equally, the construction placed on the clause by the solicitors did not disclose an error of law, but in any event their letter was not incorporated in the award. In a three-tiered arbitration, such as this, the decision of the appeal board was the award and if action were taken to enforce the arbitration it must be taken on the award of the appeal board. The award of the appeal board was the final document and the only effective document in law. The motion should have been to set aside the award of the board, and that stood or fell on whether an attack could be made on that award. In this case the only attack on the award of the board had been rightly abandoned, so that the motion failed *in limine*. Motion dismissed with costs.

APPEARANCES: *Joseph Dean (Linklaters & Paines)*; *R. A. MacCrindle (William A. Crump & Son)*.

[Reported by G. L. PIMM, Esq., Barrister-at-Law]

## Probate, Divorce and Admiralty Division

### DIVORCE: CHILDREN TAKEN ABROAD DURING TRIAL OF DOMICILE ISSUE: INJUNCTION

**Fabbri *v.* Fabbri**

Scarman, J. 24th November, 1961

Summons.

The husband, the London representative of the Bank of Sicily, petitioned for divorce from the wife, alleging that he was domiciled in England. The wife, who resided in Palermo, objected to the court's jurisdiction, alleging that the husband was not domiciled in England. The question of domicile was ordered to be tried as a preliminary issue. The wife came to London at the time of the trial of the issue, but instead of attending the court, went to the school of the two eldest children, aged twelve and eleven respectively, who resided with the husband, and took them to Palermo with her. At about 7 p.m. on 23rd November, on an ex parte application under r. 55 of the Matrimonial Causes Rules, 1957, Scarman, J., made an order restraining the wife from removing the children from the jurisdiction and from the custody of

the husband. It was later discovered, however, that the wife and children had already left the country. On 24th November, at the resumed hearing of the issue, counsel for the husband applied for a mandatory injunction, ordering the wife to return the children within the jurisdiction.

SCARMAN, J., holding that the court had jurisdiction to grant a mandatory injunction against the wife, notwithstanding that she was resident abroad, ordered her to bring the children into the jurisdiction within seven days. His lordship said that if the wife did not comply with that order, she would be in contempt of court. In the meantime, the trial of the issue would continue. For that purpose, the wife could not be treated as being in contempt since no order of the court had made it a contempt to remove the children from the jurisdiction before his lordship's order of the previous evening.

APPEARANCES: *John B. Latey*, Q.C., and *S. Seuffert* (*Crawley & de Reya*); *J. G. Leach* (*Theodore Goddard & Co.*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

# IN WESTMINSTER AND WHITEHALL

## HOUSE OF LORDS

PROGRESS OF BILLS

Read First Time:—

**Animals (Cruel Poisons) Bill [H.L.]** [29th November.

To prohibit the killing of animals by cruel poisons, to amend the Pharmacy and Poisons Act, 1933, and for purposes connected therewith.

In Committee:—

**Road Traffic Bill [H.L.]** [28th November.

## HOUSE OF COMMONS

PROGRESS OF BILLS

Read Second Time:—

**Army Reserve Bill [H.C.]** [27th November.
**Coal Industry Bill [H.C.]** [29th November.

## STATUTORY INSTRUMENTS

**Alkali &c. Works Order,** 1961. (S.I. 1961 No. 2261.) 6d.

**Hops** (Import Regulation) Order, 1961. (S.I. 1961 No. 2251.) 6d.

**Import Duties** (General) (No. 8) Order, 1961. (S.I. 1961 No. 2225.) 6d.

Import Duties (Temporary Exemptions) (No. 8) Order, 1961. (S.I. 1961 No. 2226.) 6d.

**Import Duty Drawbacks** (No. 11) Order, 1961. (S.I. 1961 No. 2224.) 6d.

**London Parking Zones** (Waiting and Loading) (Restriction) (Amendment) (No. 1) Regulations, 1961. (S.I. 1961 No. 2201.) 8s. 7d.

**London Traffic** (Prescribed Routes) (City of London, Finsbury and Shoreditch) Regulations, 1961. (S.I. 1961 No. 2209.) 7d.

London Traffic (Prescribed Routes) (Deptford) (Temporary) Regulations, 1961. (S.I. 1961 No. 2197.) 6d.

London Traffic (Prescribed Routes) (Greenwich) (No. 2) Regulations, 1961. (S.I. 1961 No. 2198.) 6d.

London Traffic (Prescribed Routes) (Holborn, City of London, St. Pancras and Westminster) Regulations, 1961. (S.I. 1961 No. 2210.) 7d.

London Traffic (Prescribed Routes) (Kensington) (No. 2) Regulations, 1961. (S.I. 1961 No. 2199.) 6d.

London Traffic (Prescribed Routes) (St. Marylebone) (No. 3) Regulations, 1961. (S.I. 1961 No. 2200.) 6d.

London Traffic (Prescribed Routes) (St. Marylebone) (Temporary) Regulations, 1961. (S.I. 1961 No. 2211.) 7d.

**London** (Waiting and Loading) (Restriction) (Amendment) (No. 1) Regulations, 1961. (S.I. 1961 No. 2202.) 1s. 3d.

**Motor Vehicles** (Tests) (Extension) Order, 1961. S.I. 1961 No. 2256.) 6d.

*Draft* **National Insurance** (Married Women) Amendment Regulations, 1961. 7d.

**Rules of Procedure** (Army) (Amendment) Rules, 1961. (S.I. 1961 No. 2223.) 11d.

These rules, which are made under s. 103 of the Army Act, 1955, amend the Rules of Procedure (Army), 1956: (*a*) consequent upon the amendments to the Army Act, 1955, by the Army and Air Force Act, 1961; (*b*) by making provision for a witness who is summoned to attend a court-martial, etc., to be given a warrant instead of conduct money; and (*c*) by revising certain of the rules and certain of the terms in the Schedule to bring them into line with modern practice, and making other minor additions.

**Stopping up of Highways Orders, 1961:**—

County of Bedford (No. 12). (S.I. 1961 No. 2208.) 6d.
County Borough of Bootle (No. 19). (S.I. 1961 No. 2214.) 6d.
County of Essex (No. 19). (S.I. 1961 No. 2215.) 6d.
County of Gloucester (No. 16). (S.I. 1961 No. 2217.) 6d.
County Borough of Great Yarmouth (No. 4). (S.I. 1961 No. 2218.) 6d.
City, County and County Borough of Kingston upon Hull (No. 4). (S.I. 1961 No. 2207.) 6d.
London (No. 49). (S.I. 1961 No. 2220.) 6d.
London (No. 53). (S.I. 1961 No. 2222.) 6d.
County of Worcester (No. 10). (S.I. 1961 No. 2219.) 6d.

**Tanganyika** (Constitution) Order in Council, 1961. (S.I. 1961 No. 2274.) 2s. 4d.

**White Fish and Herring Industries** (Grants for Fishing Vessels, Engines, and Conversions) (Amendment) Scheme, 1961. (S.I. 1961 No. 2244.) 6d.

*Draft* **Wool Textile Industry** (Scientific Research Levy) (Amendment) Order, 1962. 6d.

## SELECTED APPOINTED DAYS

**November**

24th Housing Act, 1961.

**December**

1st Betting and Gaming Act, 1961, all provisions not already in force, i.e., s. 6; s. 29 (3) and Sched. VI, Pt. II, in so far as they relate to the Street Betting Act, 1906, s. 1 (3).

4th Wages Regulation (Retail Food) (England and Wales) (No. 2) Order, 1961. (S.I. 1961 No. 2072.)

---

## EYE COUNTY COURT DISCONTINUED

The County Court Districts (Eye) Order, 1961 (S.I. 1961 No. 2254), in force on 1st January, 1962, provides that the Eye County Court shall be discontinued, that the parishes constituting the district of the court shall be transferred as specified in the order among the Diss, Halesworth and Saxmundham, Stowmarket, Ispwich and Bury St. Edmunds county court districts, and that the Diss County Court shall have jursidiction in proceedings commenced in the Eye County Court before 1st January, 1962.

# BUILDING SOCIETIES

## Designations under the House Purchase and Housing Act, 1959

The following is a consolidated list of all the building societies which have been designated for the purposes of s. 1 of the House Purchase and Housing Act, 1959 (see the Trustee Investments Act, 1961, Sched. I) :—

Abbey National
Accrington
Alliance
Argyle Benefit

Barnsley Permanent
Barnstaple
Bath Investment
Bedford Crown Permanent
Bedford Permanent
Bedfordshire
Bexhill-on-Sea
Bideford and North Devon
Bingley
Birmingham Citizens Permanent
Birmingham Incorporated
Bishop Auckland Rock
Blackheath and District Benefit
Borough
Bournemouth and Christchurch
Bradford Equitable
Bradford Permanent
Bridgwater
Brighton and Shoreham
Brighton and South Counties Permanent
Bristol and West
Bristol Permanent Economic
Bromley
Burnley
Bury St. Edmunds Permanent Benefit

Cambridge
Cardiff
Chalfont and District Permanent
Chatham Reliance
Chelsea
Cheltenham and Gloucester
Chesham
Cheshire
Cheshunt
Church of England
Citizen's Permanent
City and Metropolitan
City of London
Civil Service
Coalville Permanent
Colchester Equitable
Colchester Permanent
Co-operative Permanent
Corporation
Coventry Economic
Coventry Mutual Permanent
Coventry Provident Permanent
Cumberland

Darlington
Derbyshire
Dewsbury and West Riding

Ealing and Acton
Earl Shilton
East Surrey
Eastbourne Mutual
Eastern Counties
Edinburgh
Edinburgh and Mutual and Dunedin
Eligible and United
Enfield
Equity Permanent
Essex and Kent Permanent
Essex Equitable Permanent

Finchley
Fourth Post Office
Furness and South Cumberland

Gateshead Permanent
Goldhawk Mutual Benefit
Grainger and Percy
Grays
Great Grimsby and North Lincolnshire Permanent
Greenwich Industrial
Guardian

Halifax
Hampshire
Hanley Economic
Harrow
Hasbury, Cradley and District Benefit
Hastings and East Sussex
Hastings and Thanet
Haywards Heath and District Permanent Benefit
Hearts of Oak Permanent
Hemel Hempstead
Herts and Essex Permanent
Hexham Permanent
Hinckley and Country
Hinckley Permanent
Holloway and City Terminus
Holmesdale Benefit
Huddersfield

Ilkestone Permanant
Industrial and Provident Permanent
Ipswich and District

Keighley and Craven
Kingston

Lambeth
Lancashire
Leamington Spa
Leeds and Holbeck
Leeds Permanent
Leek and Moorlands
Leek United and Midlands
Leicester Permanent
Leicester Temperance
Leicestershire
Lewes
Liverpool Investment
London and Essex
London Commercial Deposit Permanent
Loughborough Permanent
Luton

Magnet
Maidenhead
Mansfield
Market Harborough
Marsden
Melton Mowbray
Mercantile
Mid-Sussex Permanent
Middleton
Monmouthshire and South Wales
Mornington Permanent

New Cross Equitable
New Swindon Permanent
Newbury
Newcastle-upon-Tyne Globe Permanent
Newcastle-upon-Tyne Permanent
North Kent Permanent Benefit
North of England
North Shields Permanent
North West
North Wilts Equitable
Northampton and Midlands
Northampton Town and County
Northern Counties Permanent
Northumbria Permanent
Northwich
Norwich
Nottingham

Otley

Padiham
Paisley
Peckham Permanent
People's
Peterborough Provincial Benefit
Planet
Portland
Portman
Portsmouth
Principality
Property Owners
Provincial
Prudential Investment

Ramsbury
Redditch Benefit
Regency
Rock
Rowley Regis and District Benefit
Royal Arcade
Rugby
Rugby Provident

Saffron Walden Benefit
St. Albans
St. Helens and Rainford
Scarsborough
Scottish
Sheffield
Shepshed Permanent Benefit
Shern Hall (Methodist)
Skipton
Smethwick
Somercotes
South-East Essex Permanent
South London
South Shields Commercial Permanent
South Sheilds Nelson Permanent
South Staffordshire
South Western
Stafford Permanent
Stafford Railway
Standard
Steyning and Littlehampton
Stoke-on-Trent Permanent
Stourbridge, Lye and District Permanent
Stroud
Summers
Sunderland Working Men's
Swindon Permanent

Tamworth Permanent Benefit
Temperance Permanent
Tewkesbury and District Permanent Benefit
Tipton and Coseley Permanent
Tunstall
Tyldesley
Tyne Commercial Permanent
Tynemouth
Tynemouth Victoria Jubilee Permanent

Universal Permanent
Uxbridge Permanent Benefit

Vernon
Victory
Vigilant

Wakefield
Walsall Mutual
Waltham Abbey Permanent
Walthamstow
Warwick and Warwickshire Permanent
Wednesbury
Wessex Permanent
West Bromwich
West London Permanent Mutual Benefit
Westbourne Park
Western Counties
Wolverhampton and District Permanent
Wolverhampton Freeholders' Permanent
Woolwich Equitable

# SOCIETIES

The North Staffordshire Law Society held their annual general meeting on 11th October last, at the North Stafford Hotel, Stoke-on-Trent, when the following officers were elected: president, Mr. D. A. Boulton; vice-president, Mr. G. C. W. Barker; hon. secretary, Mr. D. E. L. Dickson; hon. treasurer, Mr. H. Grindey.

The Southend-on-Sea and District Law Society have recently celebrated their Golden Jubilee year with two social activities. The first was a champagne party for members and guests, and the second was the annual dinner, held at the Queens Hotel, Westcliff, on 6th October, where 290 members and guests attended. The speakers were Mr. Justice Lawton, the Solicitor-General, Sir Thomas Lund and Mr. Donald Bain, Q.C.

The Sunderland Incorporated Law Society, Ltd., will hold their annual general meeting on 18th December in the Council Chamber, Town Hall, Sunderland.

The Law Society Young Members' Group will hold their last meeting of the year on Monday, 11th December, at The Law Society's Hall, Chancery Lane, London, W.C.2, when Sir George H. Curtis, C.B., chief land registrar of H.M. Land Registry, and Mr. Theodore B. F. Ruoff, senior registrar of H.M. Land Registry, will speak on the subject of "Registered Conveyancing."

The Industrial Law Society will hold a debate on "The Future of Industrial Injury Claims—Law Reform or Insurance?" on 14th December, at 6 p.m., in the New Theatre, London School of Economics, Houghton Street, London, W.C.2. The speakers will be Mr. John L. Williams and Mr. Dennis Gordon. Mr. F. W. Beney, Q.C., will take the chair.

The Solicitors' Managing Clerks' Association will hold their Inns of Court lecture in the Old Hall, Lincoln's Inn, London, W.C.2, on 12th December, at 6.15 p.m. The lecture, entitled "The Trustee Investments Act, 1961," will be given by Mr. J. E. Vinelott, and the chairman will be the Hon. Mr. Justice Plowman. Tickets may be obtained from the association's offices, Maltravers House, Arundel Street, Strand, London, W.C.2.

"THE SOLICITORS' JOURNAL"

*Editorial, Publishing and Advertisement Offices :* Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone : CHAncery 6855.

*Annual Subscription :* Inland £4 10s., Overseas £5 (postage 13s. 4d. extra) (payable yearly, half-yearly or quarterly in advance).

*Classified Advertisements* must be received by first post Wednesday.

*Contributions* are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

# REGISTER OF
# *AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS*

## LONDON

### CITY OF LONDON

BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2 Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2 Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

FULLER, HORSEY, SONS & CASSELL Surveyors, Valuers and Auctioneers of Industrial Premises, Plant and Machinery. 10 Lloyds Avenue, E.C.3. ROY 4061. Established 1807.

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, 71 Bishopsgate, E.C.2. Tel LONdon Wall 7201 (6 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3 Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820) Tel. MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2 Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288 And at 80 High Street, Croydon. Tel. Croydon 1931.

### NORTH LONDON

ALFRED SLINN & CO. (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424/5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 6633 (5 lines). See also City of London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HILLside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6, and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

### NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. CLissold 1802. Also at Brondesbury, N.W.6, and Edgware.

### NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/8.

### NORTH-WEST LONDON (continued)

ANSCOMBE & RINGLAND, G. B. Slater, W. Andrews, J. G. Slater, Chartered Surveyors, Auctioneers and Estate Agents, 8 Wellington Road, N.W.8. Tel. PRI 7116.

BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2.

### SOUTH-EAST LONDON

BLAKE & DANNATT (Est. 1875), Chartered Surveyors, R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 18 Nelson Road, S.E.10. Tel. GREenwich 0593/0560.

EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

### SOUTH-WEST LONDON

ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNightsbridge 0846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel STR 0185/6 & STR 5252.

EDWIN EVANS & SONS (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.

FINCH & CO., F.R.I.C.S., F.A.I., 187 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

JOHN FOORD & CO., 56 Victoria Street, S.W.1. Tel VIC 2002/4. Industrial Valuers, Buildings, Plant & Machinery.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RIChmond 1034 and 5950.

C. ERNEST MANEY, F.A.I., F.V.I., 1 Cavendish Parade, South Side, Clapham, S.W.4. Tul 4414.

RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.). Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Probisher 2238.

YORK & JONES Office & Business Premises Specialists, 11 Palmer Street S.W.1. Tel. ABB 1181/4.

### EAST LONDON

ANSTEYS (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 Barking Road, Plaistow, E.13. Tel. Grangewood 0308.

H. J. BLISS & SONS (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4018/9.

BROWN & EWIN, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel. East 3872.

### EAST LONDON (continued)

CLARKSON & PARTNERS, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EASt 1897/8. And at 23 Billiter Street, E.C.3. Tel. ROYal 1006/7.

MOORE, C. C. & T., Chartered Surveyors, 33 Mile End Road, E.1. City Office; 13 Lime Street, E.C.3. Tel. MAN 0335/7.

TAYLOR, LOCKHART & LANG, Auctioneers, Surveyors and Estate Managers, Est. 130 years. (S. S. Lockhart, F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378 and at 95 Park Lane, W.1.

### WEST-CENTRAL LONDON

BAILEY & WOODBRIDGE, 9 Great Russell Street, W.C.1 Tel.: MUSeum 2624. Estate Agents, Surveyors, Investment Specialists.

BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

SAVILL, ALFRED & SONS, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.

E. A. SHAW & PARTNERS (Est. 1899). Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

### WEST END LONDON

BEECROFT SONS & NICHOLSON—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAN 6721 (4 lines).

DOUGLAS KERSHAW & CO., Chartered Auctioneers and Estate Agents, Valuers. 20 Brook Street, W.1. Tel. MAYfair 4928 and 3404.

DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W.1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (Incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

### WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665-6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors. 10 Sutherland Avenue, Paddington W.9. Tel. Cun 7217 (5 lines).

## LONDON SUBURBS

**Barnes, East Sheen and Roehampton.**—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2641 (3 lines). And East Sheen.

**Battersea, Clapham Junction, Tooting, Southfields.**—RAYNERS (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

**Blackheath and Sidcup.**—DYER SON & CREASEY, Chartered Surveyors. 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

**Brentford (for West London and West Middlesex).**—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

**Chiswick and Bedford Park.**—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

**Ealing, Ealing Common and District.**—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

**East Ham.**—HAMLETTS (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0546.

**East Sheen, Barnes and Richmond.**—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

*(Continued on p. liv)*

# REGISTER OF

# *Auctioneers, Valuers, Surveyors, Land and Estate Agents*

**Edgware.**—E. J. T. NEAL FRICS, FAI, 39 Station Road. Tel. EDG 0123/4

**Finchley.**—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

**Finchley and Barnet.**—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

**Hammersmith.**—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

**Harrow.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

**Harrow.**—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., H.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel. 4288/90 Associated offices at Hillingdon. Established 1925.

**Hendon and Colindale.**—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6

**Hendon.**—DOUGLAS MARTIN & PARTNERS, LTD.—Douglas Martin F.A.L.P.A., F.V.A.; Bernard Rosch, F.A.L.P.A.; Jeffray Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

**Hendon.**—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

**Ilford.**—RANDALLS, Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road. Tel. VALentine 6272 (10 lines).

**Leyton.**—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424

**Leyton and Leytonstone.**—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

**Leytonstone.**—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green. Tel. Buc 0464.

**Leytonstone.**—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

**Mill Hill.**—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204

**Norbury.**—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

**Putney.**—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

**South Norwood.**—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

**Tottenham.**—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

**Walthamstow and Chingford.**—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

**Wandsworth (Borough of), Battersea and S.W. Area.**—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

**Wood Green.**—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632

## PROVINCIAL

### BEDFORDSHIRE

**Bedford.**—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

**Bedford.**—ROBINSON & HALL, 15a St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3

**Luton.**—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street. Tel. Luton 6492/3.

### BERKSHIRE

**Abingdon, Wantage and Didcot.**—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9, Wantage 48, Didcot 3197.

**Bracknell.**—HUNTON & SON, Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23

**County of Berkshire.**—TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill (Ascot 1666), Windsor (Windsor 1) and Streatley (Goring 45).

**Didcot and District.**—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079

**Faringdon.**—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113

**Maidenhead.**—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines)

**Maidenhead, Windsor and Sunningdale.**—GIDDY & GIDDY. Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

**Newbury.**—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

**Newbury.**—DREWEATT, WATSON & BARTON, Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

**Newbury and Hungerford.**—A. W. NEATE & SONS, Est. 1876. Auctioneers, Valuers and Estate Agents. Tel. Newbury 2961. Hungerford 8.

**Reading.**—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2

**Windsor and District.**—ALLSOP, REEVE & GRAFTON, "Pym House", 9 Park Street, Windsor. Tel. 3536/7 & 3440.

**Windsor and Reading.**—BUCKLAND & SONS, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

### BUCKINGHAMSHIRE

**Amersham and The Chalfonts.**—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

**Amersham, Chesham and Great Missenden.**—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

**Aylesbury.**—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 4 Temple Street. Tel. 4661/3.

**Aylesbury.**—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

**Aylesbury.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 2a & 4 Temple Square. Tel. 4633/4.

**Beaconsfield.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

**Bletchley and Woburn Sands.**—WOODHOUSE NEALE, SONS & CO., Auctions, Surveys, Valuations, Repositories. Tel. Nos. Bletchley 2201/2 and Woburn Sands 2167.

**Farnham Common, Nr. Slough.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, The Broadway. Tel. 1062/3.

### BUCKINGHAMSHIRE (*continued*)

**High Wycombe.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 10 High Street. Tel. 2576/9.

**High Wycombe and South Bucks.**—HUNT & NASH, Chartered Surveyors and Auctioneers, 15 Crendon Street. Tel. 884/5 (and at Slough)

**High Wycombe and South Bucks.**—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

**Princes Risborough.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, High Street. Tel. 744/5

**Slough.**—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

**Slough.**—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

**Slough.**—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents, Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

**Slough.**—HUNT & NASH, Chartered Surveyors, 7 Mackenzie Street, Slough. Tel. 23295 (3 lines), also at High Wycombe.

**Slough and Gerrards Cross.**—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987

### CAMBRIDGESHIRE

**Cambridge.**—HOCKEY & SON (Est. 1885), Auctioneers and Surveyors, 8 Benett Street. Tel. 59455/6.

**Cambridge and County.**—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

### CHESHIRE

**Altrincham.**—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

**Birkenhead.**—SMITH & SONS (Est. 1840), Auctioneers, Valuers. BIRKENHEAD (Tel. 1590); and at Liverpool.

**Birkenhead and Wirral.**—JAMES HARLAND & CO., Chartered Auctioneers, Chartered Surveyors and Estate Agents, Valuers, 46 Church Road, Birkenhead. Tel. 1597 (3 lines).

**Chester.**—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

**Chester.**—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

**Chester.**—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

**Chester.**—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Werburgh Street. Tel. 20422.

**Congleton.**—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

**Congleton.**—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

**Crewe.**—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

**Macclesfield.**—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

**Nantwich, Northwich, Winsford & Tarporley.**—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

**Northwich.**—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

**Stockport.**—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

### CORNWALL

**County of Cornwall.**—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

### CORNWALL (*continued*)

**County of Cornwall.**—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bodmin. Tel. 346

**Falmouth.**—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

**Penzance, St. Ives, West Cornwall and Isles of Scilly.**—W. H. LANE & SON, F.A.L.P.A. The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

**Redruth.**—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

**St. Austell and Looe.**—LAMPSHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents, St. Austell 3254/5. Looe 309.

**St. Austell, Lostwithiel and Liskeard.**—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 451 and 245. Liskeard 2400.

**Truro, Mid and West Cornwall.**—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

### DERBYSHIRE

**Derby.**—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines)

### DEVONSHIRE

**Axminster.**—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

**Axminster, East Devon, South Somerset and West Dorset Districts.**—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

**Barnstaple and N. Devon.**—BRIGHTON GAY, F.A.L.P.A. Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

**Barnstaple and N. Devon.**—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

**Bideford and North Devon.**—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

**Bideford and North Devon.**—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

**Brixham and Torbay.**—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

**Devon and Exeter.**—GUY MICHELMORE & CO. Norwich Union House, Exeter. Tel. 76464/5.

**Devon, Exeter and S.W. Counties.**—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

**Exeter.**—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

**Ilfracombe.**—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138

**Okehampton, Mid Devon.**—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22

**Paignton, Torbay and South Devon.**—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

**Plymouth.**—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

**Sidmouth.**—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14

(*Continued on p. lv*)

# REGISTER OF
# *Auctioneers, Valuers, Surveyors, Land and Estate Agents*

### DEVONSHIRE (*continued*)

**Teignmouth, Shaldon, etc.**—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

**Torquay and South Devon.**—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

### DORSETSHIRE

**Poole, Parkstone, Broadstone.**—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

**West Dorset.**—ALLEN, TAYLOR & WHITFIELD, 25 East Street, Bridport. Tel. 2929.

### DURHAM

**Darlington.**—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 68789 (2 lines).

**Darlington.**—SANDERSON, TOWNEND & GILBERT, Chartered Surveyors, 92 Bondgate.

### EAST ANGLIA

**Norfolk-Suffolk.**—THOS. WM. GAZE & SON, Crown Street, Diss. (290/291). Est. a Century. Chartered Auctioneers, Agricultural, Property and Chattel Valuers

### ESSEX

**Benfleet, Hadleigh and South-East Essex.**—JOHN S. LLOYD & CO., Chartered Auctioneers and Estate Agents. Head Office: Estate House, Hadleigh, Essex. Tel. 58523 and 59174.

**Brentwood and Mid-Essex.**—HOWARD'S & CO. (BRENTWOOD), LTD., Surveyors, Valuers and Estate Agents, 143 High Street, Brentwood. Tel. Brentwood 4338.

**Chelmsford, Billericay, Braintree and Maldon.**—TAYLOR & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 17 Duke Street. Tel. 55561 (3 lines), Billericay Tel. 112/585, Braintree Tel. 1564/2, Maldon Tel. 88/888.

**Chelmsford and Wickford.**—R. COOPER HIRST, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 12 Duke Street, Chelmsford (Tel. 4534) and Market Road, Wickford (Tel. 3058).

**Chelmsford and Witham.**—BALCH & BALCH, Chartered Surveyors, Auctioneers and Valuers, 3 Tindal Square, Chelmsford. Tel. 51551; and Witham Tel. 3381.

**Clacton-on-Sea.**—DONALD COTTAGE, EAVES & CO., (Chas. W. Eaves, F.A.I., F.A.L.P.A.), 67/69 Station Road, Clacton-on-Sea. Tel. 857/8. And at Holland-on-Sea. Tel. 3270.

**Colchester and District.**—C. M. STANFORD & SON (Partners and Senior Personnel fully qualified members of Professional Institutes), 23 High Street, Colchester. Tel. 3165 (4 lines).

**Halstead and N.E. Essex.**—H. G. HUGHES & CO. (G. R. Copsey, A.V.I.), Auctioneers, Estate Agents and Valuers, 29 Chapel Street. Tel. 2519.

**Hornchurch.**—HAYWARD & CO., Surveyors, Valuers and Estate Agents, 163 High Street. Tel. 46635/6.

**Ilford.**—S. A. HULL & CO., F.A.I. (Incorporating ASHMOLES, est. 1864), Chartered Auctioneers and Estate Agents, 16 Clements Road. Tel. ILFord 4366/7, and at 404 Cranbrook Road, Gantshill. Tel. Valentine 9525.

**Leigh-on-Sea.**—GORDON LANE & BUTLER, Auctioneers and Surveyors, 125 Rectory Grove. Tel. 78340.

**Leigh-on-Sea.**—HAIR (FREDK. G.) & SON, Auctioneers and Surveyors, 1526 London Road. Tel. 78666/7.

**Leigh-on-Sea, Rayleigh and Country Districts.**—HAROLD W. PINCHBECK, Chartered Surveyor and Valuer (Pinchbeck, Chapman & Co.), 80 Rectory Grove, Leigh-on-Sea (75002) and High Street, Rayleigh. Tel. 24.

**Maldon.**—TAYLOR & CO., Chartered Auctioneers and Estate Agents. 9 London Road. Tel. 88/888.

**Romford and District.**—R. CHEKE & CO., 4 North Street, Hornchurch, Essex. Hornchurch 43423/4 and branches.

**Romford, Upminster and District.**—HILBERY CHAPLIN & CO., Chartered Auctioneers, Estate Agents and Surveyors, 135 South Street, Romford (Tel. Romford 45004) and 42 Station Road, Upminster (Tel. Upminster 2866).

**Southend-on-Sea and S.E. Essex.**—TAYLOR, SON & DAVIS, Auctioneers and Surveyors, 37 Victoria Avenue, Tel. Southend 41201 (3 lines). And at Westcliff-on-Sea and Leigh-on-Sea.

**Southend, Westcliff and Country Districts.**—H. V. & G. SORRELL, Chartered Surveyors, Auctioneers and Estate Agents, 40 Clarence Street, Southend. Tel. Southend 42225. And at High Street, Rayleigh.

**Southend, Westcliff and South East Essex.**—TALBOT & WHITE, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, Established 1885. 34 Clarence Street, Southend-on-Sea. Tel. Southend 48137/8, and 29 and 31 Hamlet Court Road, Westcliff-on-Sea. Tel. Southend 47821/2.

**Woodford.**—MARK LIELL & SON, Chartered Surveyors, 9 High Road, Woodford Green. Tel. Buckhurst 0181, and East Ham.

### GLOUCESTERSHIRE

**Bath and District and Surrounding Counties.**—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

**Bristol.**—C. J. HOLE & SONS (Est. 1867), 70 Park Row, Bristol, 1. Chartered Auctioneers, etc. Tel. 24324 (4 lines) and 28043.

**Bristol.**—LALONDE, BROS. & PARHAM (Est. 1848), 64 Queens Road. Tel. 27731 (8 lines). And at Weston-super-Mare.

**Bristol.**—JOHN E. PRITCHARD & CO. (Est. 1785), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 82 Queen Road, Bristol, 8. Tel. 24334 (3 lines).

**Bristol, Somerset and Gloucester.**—ALDER, STANLEY & PRICE (Established 1911), Valuation Consultants, 7 St. Stephen's Street, Bristol, 1. Tel. 20301. A. Oliver Perkins, F.R.I.C.S., F.A.I., P.P.I.S.A.L.P.A., R. B. Kislingbury, F.R.I.C.S., F.A.I., A. E. Sutor, F.A.L.P.A., W. H. Mapley, A.R.I.C.S., A.R.V.A., F.A.L.P.A., Auction and Estate Offices, 94E Whiteladies Road, Clifton and Redfield.

**Bristol and the West of England.**—J. P. STURGE & SONS (Established 1760), Surveyors, Land Agents and Auctioneers, 24 Berkeley Square, Bristol, 8. Telephone: 26691 (5 lines).

**Cheltenham.**—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102. Established in Cheltenham over a century.

**Cheltenham.**—VIRGIN & RICHARDS, LTD., F.V.I., Incorporated Valuers and Estate Agents, 3 Clarence Parade. Tel. 56351.

**Cheltenham.**—YOUNG & GILLING (J. T. Walford, A.R.I.C.S., A. W. Allard, F.A.L.P.A.), Auctioneers, Surveyors and Valuers. Established over a century. 3 Crescent Terrace, Cheltenham. Tels. 2129 and 2433.

**Cirencester.**—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

**Gloucester.**—SANDOE & SONS, Chartered Auctioneers and Estate Agents, Valuers, 4/5 Market Parade.

### HAMPSHIRE

**Aldershot, Farnborough, Fleet, Hartley Wintney, Alresford and Winchester.**—ALFRED PEARSON & SON (established 1900), Surveyors, Valuers, Auctioneers and Estate Agents.
136 Victoria Road, Aldershot (Tel. Aldershot 17);
Clock House, Farnborough (Tel. Farnbor. 1—2 lines);
Fleet Road, Fleet (Tel. Fleet 1066—3 lines);
High St., Hartley Wintney (Tel. Hartley Wintney 233);
25 West Street, Alresford (Tel. Alresford 274);
Walcote Chambers, High Street, Winchester (Tel. Winchester 3388—2 lines).

**Aldershot and Surrey and Hants Borders.**—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 23353.

**Alresford.**—CUBITT & WEST. Tel. 335. Valuers, Surveyors, Estate Agents.

**Alton.**—EGGAR & CO., Incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, Ackender House. Tel. 2401/2. And at Farnham, Surrey, and Basingstoke.

**Andover.**—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors. London Street. Tel. 3444 (2 lines). Established 1845.

**Basingstoke.**—BATESON & NICHOLAS, Auctioneers, Estate Agents, Surveyors and Valuers, 2 Queens Parade (next G.P.O.), New Street. Tel. 566/567.

**Basingstoke.**—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 36 Winchester Street. Tel. 2255/6. And at Farnham, Surrey and Alton.

**Basingstoke.**—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

**Bournemouth.**—FOX & SONS, Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (10 lines). Branch Offices in all Bournemouth districts and at Parkstone, Ringwood, New Milton, Southampton, Brighton and Worthing.

**Bournemouth.**—RUMSEY & RUMSEY. Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and the Channel Islands.

**Fleet.**—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers. Central Estate Offices. Tel. 86.

**Gosport.**—LAWSON & CO., F.V.I., Estate Agents, Valuers, etc. 9 Brockhurst Road. Tel. 83303 (2 lines).

**Gosport.**—L. S. VAIL, F.R.I.C.S., Chartered Surveyor. 79 High Street. Tel. 8732.

**Havant, Cosham, Portsmouth, Hayling Island.**—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, 5 West Street, Havant (Tel. 1244/5.) 82 High Street, Cosham. (Tel. 76427/8.) Elm Grove, Hayling Island (Tel. 77131 and 77148.)

**Lymington and Milford-on-Sea.**—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc. Tel. Lymington 3292/3.

**Lymington and New Forest.**—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. High Street. Tel. Lymington 2393/4.

**New Milton and Barton-on-Sea.**—HEWITT & CO., F.A.I. New Milton. Tel. 43.

### HAMPSHIRE (*continued*)

**Petersfield.**—CUBITT & WEST. Tel. 213. Valuers, Surveyors, Estate Agents.

**Portsmouth.**—P. G. LUDLOW, Angerstein Road, North End. Tel. 61441/2.

**Southampton.**—PRING & CO., F.A.I., 40 The Avenue. Tel. 22171/2.

**Southampton and New Forest.**—DRIVERS, JONAS & CO. (Est. 1725), incorporating Waller & King, Chartered Surveyors, Land Agents, Auctioneers and Estate Agents, 17 Cumberland Place, Southampton. Tel. Southampton 24545.

**Winchester.**—SAVAGE & WELLER, Surveyors, Auctioneers, Valuers and Estate Agents, 25 St. Thomas Street, Winchester. Tel. Winchester 2531.

### HEREFORDSHIRE

**Hereford.**—GREENLANDS, LTD., Auctioneers, Estate Agents, Valuers. Church Street. Tel. 2366 (4 lines).

### HERTFORDSHIRE

**All W. Herts, S. Bucks.**—(Messrs.) J. GIBSON CRACKNELL, Surveyors and Valuers, Est. 1897. 59 Whippendell Road, Watford. Tel. 29205.

**Berkhamsted and Hemel Hempstead.**—R. J. AITCHISON, F.A.I., M.R.San.I.

**Cheshunt, Cuffley, Waltham Cross and District.**—ROBERT TIDEY & SON, Waltham Cross. Tel. 22964.

**Hertford.**—NORRIS & DUVALL, F.R.I.C.S., F.A.I., 106 Fore Street, Tel. 2249.

**Hitchin.**—I. R. EVE & SON, 5 Bancroft. Surveyors, Land Agents, Auctioneers and Valuers. Tel. 2168.

**N. Herts and S. Beds.**—W. & H. PEACOCK, Chartered Surveyors. 8 High Street, Baldock, Herts. Tel. 2185.

**Rickmansworth, Chorleywood.**—SWANNELL & SLY, 53 High Street, Rickmansworth. Tel. 3141. Valuers, Auctioneers, etc.

**Tring, Hemel Hempstead and Berkhamsted.**—W. BROWN & CO., Urban and Agricultural practice. Head Office: 41 High Street, Tring. Tel. 2235/6.

### ISLE OF WIGHT

**Bembridge, Cowes, Freshwater, Newport, Ryde, Sandown, Shanklin, Seaview, Ventnor and Yarmouth.**—SIR FRANCIS PITTIS & SON, Chartered Surveyors and Chartered Auctioneers.

**Cowes, Newport and all Districts.**—A. E. & S. C. WADHAM, F.A.L.P.A. (Est. 1860), Cowes. Tel. 1141 (2 lines).

**Newport, Ryde, Freshwater, Sandown, Bembridge.**—WAY, RIDDETT & CO.

### KENT

**Ashford.**—GEERING & COLYER, Auctioneers, Surveyors and Estate Agents, Bank Chambers, Ashford, and at Hawkhurst and Tunbridge Wells, Kent; Rye, Wadhurst and Heathfield, Sussex.

**Beckenham.**—CHRISTOPHER B. CURTIS, M.B.E., Surveyor and Valuer, 257a Croydon Road. Tel. BECkenham 1000.

**Beckenham.**—JOLLYE & WOOD, 4 The Broadway, Croydon Road. Tel. Beckenham 1430.

**Bexleyheath.**—ARTHUR KENT & CO., LTD., Surveyors, Valuers and Estate Agents. 124/6 Broadway. Tel. 1244/5.

**Bromley.**—WATERER & DICKINS, Chartered Surveyors, Chartered Auctioneers & Estate Agents, Valuers, 133 High Street, Bromley, Kent. Telephone RAVensbourne 0147/8.

**Canterbury.**—FARQUHARSON & MILLARD, F.R.I.C.S., F.A.I., 80 Castle Street, Canterbury. Tel. 4861/2.

**East Kent.**—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury; and 12 Preston Street, Faversham. Established 1835.

**Folkestone.**—GEO. MILNE & CO., Auctioneers and Valuers, 107 Sandgate Road. Tel. 3619.

**Folkestone.**—TEMPLE, BARTON, LTD., F.A.L.P.A., 69 Sandgate Road. Tel. 2258/9.

**Folkestone and District.**—BANKS & SON (P. R. Bean, F.R.I.C.S., F.A.I.), Chartered Surveyors, Chartered Auctioneers, etc., 6 Bouverie Square, Folkestone. Tel. 4509/3559.

**Folkestone and District.**—SMITH-WOOLLEY & CO., Chartered Surveyors, Chartered Land Agents, Valuers, Estate Agents, Manor Office. Tel. 51201/2.

**Gravesend and Dartford.**—PORTER, PUTT AND FLETCHER, F.A.I., Incorporating DANN & LUCAS. Tel. Gravesend 388 and Dartford 3326.

**Gravesend and District.**—WINNETT, Auctioneers, Estate Agents and Valuers, 155 Milton Road. Tel. Grav. 2229.

**Herne Bay.**—E. IGGULDEN & SONS (B. Smith, A.R.I.C.S., A.A.I., L. Pilcher), Surveyors, Valuers and Auctioneers, 128 High Street. Tel. 619/620.

**Hythe, Saltwood, Romney Marsh and District.**—F. W. BUTLER, 86 High Street, Hythe. Tel. Hythe 66022/3.

**Maidstone and District.**—COUCHMAN & SON, Chartered Surveyors, Chartered Auctioneers and Estate Agents, 42 King Street. Tels. 2558 and 2591.

**Maidstone and Mid-Kent.**—EVENS & MATTA, A.A.I., M.R.S.H., 70 King Street, Maidstone. Tel. 51283.

**Orpington, Petts Wood and West Kent.**—MULLOCK (A. P.) & GOWER (A. F. Mullock, J.P., F.A.L.P.A., C. H. Gower, F.A.I.), 161 High Street, Tel. Orp. 25681/2. And Station Square, Petts Wood. Tel. Orp. 23444.

(*Continued on p. lvi*)

# REGISTER OF
# *Auctioneers, Valuers, Surveyors, Land and Estate Agents*

### KENT (*continued*)

**Ramsgate.**—LESLIE HOGBIN, F.R.I.C.S., Chartered Surveyor, Auctioneer, Valuer and Estate Agent, 50 Queen Street. Tel. Thanet 53222/3.

**Ramsgate and District.**—HOLNESS & OVENDEN, F.A.I., Chartered Auctioneers and Estate Agents, Valuers and Surveyors. Estate House, 73 High Street Ramsgate. Tel. Thanet 52206/7. Established 1838.

**Sandwich and East Kent.**—G. C. SOLLEY & CO. Offices: 50 King Street, Sandwich. Tel. 3227.

**Sevenoaks.**—KEMP & THOMAS, F.A.L.P.A., Estate Agents and Valuers. 11a London Road (Tel. 2916).

**Tenterden and the Weald of Kent.**—HATCH AND WATERMAN, F.A.I. (Est. 1830), Chartered Auctioneers and Estate Agents. Tenterden. Tel. 33.

**Tonbridge and District.**—NEVE & SON, F.A.I., 146 High Street, Tonbridge. Tel. 3223.

**Tunbridge Wells.**—DILNOTT STOKES, Chartered Surveyors and Auctioneers, 17 Mount Pleasant. Tel. 3000/1.

**Welling.**—WM. PORTER & CO., LTD., 28 Falconwood Parade, The Green. Tel. Bexleyheath 2977.

### LANCASHIRE

**Blackpool and District.**—AIREYS', Chartered Auctioneers and Estate Agents, Valuers and Surveyors, 18 Dickson Road, Blackpool. Tel. 22225/6.

**Blackpool and Fylde Coast.**—J. ENTWISTLE & CO., Auctioneers, Valuers and Estate Agents, Station Chambers, 2 Dickson Road, Blackpool. Tel. 20093/4.

**Grange-over-Sands.**—MICHAEL C. L. HODGSON, Auctioneers and Valuers. Tel. 2253.

**Liverpool.**—BOULT, SON & MAPLES, 5 Cook Street. Tel. Central 9941 (7 lines). And at West Kirby.

**Liverpool.**—SMITH & SONS (Est. 1840), Valuers, etc., 6 North John Street, Central 9386. And at Birkenhead.

**Liverpool and District.**—JOS. RIMMER & SON, 14/20 South Castle Street, Liverpool, 1. Tel. MARitime 1066, and at Birkenhead and Ellesmere Port. Chartered Surveyors, Auctioneers and Estate Agents.

**Liverpool and Wirral.**—T. MARTIN BROWN, F.A.I., Valuer & Estate Agent, Coopers Buildings, Church Street, Liverpool, 1. Tel. Royal 3373/4 and 3 Garston Old Road, Liverpool, 19. Tel. Garston 358.

**Manchester.**—ALFRED H. GARDNER & SON, F.A.I., Chartered Auctioneers and Estate Agents, 56 Mosley Street. Tel. Central 8985/6. And at Cheadle Hulme.

**Manchester.**—CLAYTON, SON & CROWTHER, Auctioneers, Valuers and Estate Agents, 76 Mosley Street, Manchester, 2. Tel. Cen. 4943/4.

**Manchester.**—STUART MURRAY & CO., Auctioneers, etc., 64a Bridge Street. Tel. Blackfriars 5747. And at Altrincham.

**Manchester and Oldham.**—LESLIE D. CLEGG MORGAN & CO., Chartered Surveyors, Specialists in Town Planning, Rating and Compensation, Prudential Buildings, Union Street, Oldham. Tel. MAIn (Oldham) 6401/3. And at 65 Princess Street, Manchester, 2. Tel. Central 7755.

**Preston.**—E. J. REED & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 47 Fishergate. Tel. 3249.

**Rochdale.**—ROSSALL, DALBY & PARKER, Auctioneers and Valuers, 5 Backwater Street. Tel. 3677.

**Rochdale and District.**—R. BIRTWELL & SON, Chartered Auctioneers and Estate Agents, Valuers, 5 Baillie Street. Tel. 2826.

**Rochdale and District.**—SHEPHERD LUMB & CO., Auctioneers, etc. The Public Hall, Baillie Street. Tel. 3826.

### LEICESTERSHIRE

**Leicester.**—DONALD BOYER, F.A.I., Chartered Auctioneer & Estate Agent, Valuer-Mortgage, Probate Insurance, Northampton Street. Tel. 21564 (and Rugby).

**Leicester and County.**—RANDLE & ASPELL (F. E. J. Randle, F.V.I., C. G. Hale, F.A.I., A.A.L.P.A., G. H. Aspell, A.R.I.C.S., F.A.I., M.R.San.I.), 74 Halford Street. Tel. 5137/8.

**Market Harborough.**—HOLLOWAY, PRICE & CO., Est. 1809. Chartered Surveyors, Chartered Auctioneers. Tel. 2411.

### LINCOLNSHIRE

**Grantham and District.**—BAILEY & AMBLER, Chartered Auctioneers and Estate Agents, Westminster Bank Chambers, Grantham, Lincs. Tel. 418 (2 lines).

**Scunthorpe and District.**—SPILMAN, GLASIER AND LONSDALE, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 72 Mary Street, Scunthorpe. Tel. 3803. Est. over 75 years.

**Spalding.**—S. & G. KINGSTON, F.A.I., Auctioneers, etc., Hall Place Chambers. Tel. 2011.

### MIDDLESEX

**Edgware.**—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

**Enfield and North London.**—CAMPION & DICKINS, Surveyors, Valuers, etc., 28 Little Park Gardens, Enfield. Enfield 1224/5.

**Harrow.**—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

### MIDDLESEX (*continued*)

**Harrow.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

**Harrow.**—P. N. DEWE & CO., See "London Suburbs" Section. Established 1925.

**Harrow.**—WARNER & CO. (T. A. Warner, F.A.L.P.A.), Surveys, Valuations, etc., Specialists in Urban Estate Management, 51 Station Road, North Harrow. Tel. Harrow 9636/7/8.

**Harrow.**—G. J. HERSEY AND PARTNER, Chartered Auctioneers and Surveyors, 44 College Road, Harrow, Middlesex. Telephone No.: Harrow 7484/7441 and at Prudential Chambers, Grey Friars, Leicester. Telephone No. Leicester 57077.

**Harrow and District.**—BARR & MEAD. C. Grainger, F.A.L.P.A., M.R.San.I. B. C. Grainger, A.A.I. 202 Northolt Road, South Harrow, Byron 1023, and 15 College Road, Harrow. Harrow 5178. Also at Ruislip and Pinner.

**Hayes.**—KEVIN & FIELD, LTD. (Lister S. Camps, F.F.S. F.V.I., M.R.S.H.), Grange Chambers, Uxbridge Road. Tel. Hayes 3691/2.

**Hounslow.**—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.

**Moor Park and Northwood.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, MOOR PARK ESTATE OFFICE, Moor Park Station, Northwood. Tel. Northwood (NH2) 4131. And at Harrow, North Harrow and Sudbury, Wembley.

**Northwood.**—GILBERT LUCK, F.A.L.P.A., Surveyors and Valuers, 58 Green Lane, Northwood. Tel. 2352/3/4, and 111 Pinner Road, Northwood Hills.

**Northwood and Pinner.**—SWANNELL & SLY, 3 Maxwell Road, Northwood. Tel. 19. Valuers, Auctioneers, etc.

**Pinner and District.**—BARR & MEAD. C. Grainger, F.A.L.P.A., M.R.San.I. B. C. Grainger, A.A.I. 2 High Street, Pinner. Pinner 7800. Also at South Harrow, Harrow and Ruislip.

**Pinner (Hatch End).**—BRODIE, MARSHALL & CO., Auctioneers, Valuers and Estate Agents, 339 Uxbridge Road, Hatch End. Telephone Hatch End 22381 and 22391

**Ruislip and District.**—BARR & MEAD. C. Grainger, F.A.L.P.A., M.R.San.I. B. C. Grainger, A.A.I. 108 High Street, Ruislip. Ruislip 2215. Also at South Harrow, Harrow and Pinner.

**Ruislip, Ickenham and District.**—JOHN MEACOCK AND CO., 123/125 High Street, Ruislip. Tel. Ruislip 3072/3/4. And opposite the Church, Ickenham. Tel. Ruislip 5526 and 9824.

**Southall and Greenford.**—AUSTIN FARR & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 11 South Road, Southall. SOU 6555 (5 lines). 45 The Broadway, Greenford. WAX 4642/4438.

**Wembley Park.**—LLOYDS (Principal D. J. Westmore, F.R.I.C.S., M.R.San.I.), Chartered Surveyors, Auctioneers and Valuers, 13 Bridge Road. Tel. Arnold 1123/4

**West Drayton and Yiewsley.**—R. WHITLEY & CO., Chartered Auctioneers and Estate Agents, 40 Station Road. Tel. W. Drayton 2185.

### NORFOLK

**Cromer.**—R. J. WORTLEY, F.R.I.C.S., Chartered Surveyor, etc., 15 Church Street. Tel. Cromer 2069.

**Norwich.**—ALDRIDGE & PARTNERS, 22 Surrey Street, Surveyors and Estate Agents. Tel. Norwich 28517/8.

**Norwich.**—CLOWES, NASH & THURGAR, Est. 1848 (H. M. Thurgar, F.A.I., R. F. Hill, F.A.L.P.A., C. M. Thurgar, A.A.I.), 6 Tombland. Tel. 27261/2.

**Norwich.**—J. E. TAYLOR, Auctioneer and Estate Agent, 25 Tombland. Tel. 26638.

**Norwich and East Anglia.**—K. H. FIELDING & SON (J. L. Fielding, F.R.I.C.S., F.A.I.), Chartered Surveyors, etc., 1 Upper King Street, Norwich. Tel. 22980.

**West Norfolk.**—CRUSO & WILKIN, Chartered Auctioneers and Estate Agents, 27 Tuesday Market Place, King's Lynn. Tel. King's Lynn 3111/2.

### NORTHAMPTONSHIRE

**Northampton and Daventry.**—MERRY, SONS & CO., LTD., Auctioneers, Valuers and Estate Agents, 9 Fish Street, Northampton. Tel. 136. 33 Sheaf Street, Daventry. Tel. 336.

**Northampton and District.**—WOODS & CO., F.A.I. Chartered Auctioneers and Estate Agents, Valuers, 18 Castilian Street, Northampton. Tel. 3300/1. Established 85 years.

**Peterborough and District.**—DAKING & DAKING., Est. 1887. Auctioneers, Valuers, Surveyors and Estate Agents, Broadway, Peterborough. Tel. 5245/6.

**Peterborough and District.**—FOX & VERGETTE, Auctioneers, Valuers, Surveyors and Estate Agents, 16 Priestgate. Tel. 4261/2. Est. over 150 years.

**Peterborough and Adjoining Counties.**—NORMAN WRIGHT & PARTNERS, Surveyors and Auctioneers, 26 Priestgate, Peterborough. Tel. 5695/6.

### NORTHUMBERLAND

**Newcastle upon Tyne, covering the North.**—HINDMARSH, HEPPELL & BOURN (Est. 1862), Chartered Auctioneers and Estate Agents, Surveyors, 61 Westgate Road, Newcastle upon Tyne. And at Wallsend-on-Tyne.

### NORTHUMBERLAND AND DURHAM

HINDMARSH & PARTNERS, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 49 Park View, Whitley Bay (Tel. 2351/2), 107 Northumberland St., Newcastle (Tel. 610081 (4 lines)). And at Gateshead and Alnwick.

**Newcastle.**—DAVID A. LARMOUR & SON, F.R.I.C.S., F.A.I., Saville Row. Tel. Newcastle 20727/8.

WALLHEAD GRAY & COATES, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 84 Pilgrim Street, Newcastle. (Tel. 27471/2.) 75 West Street, Gateshead. (Tel. 72197.) 7 Priestpopple, Hexham. (Tel. 302.) 26 Frederick Street, Sunderland. (Tel. 2544.)

### NOTTINGHAMSHIRE

**Newark.**—EDWARD BAILEY & SON, F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 7 Kirkgate, Newark. Tel. 39.

**Nottingham.**—ROBERT CLARKE & CO., Chartered Surveyors and Rating Valuers, Oxford Street. Tel. 42534/5.

**Nottingham.**—WALKER, WALTON & HANSON, Chartered Surveyors and Valuers, Chartered Auctioneers and Estate Agents, Byard Lane. Est. 1841. Tel. Nottingham 54272 (7 lines).

**Retford.**—HENRY SPENCER & SONS, Auctioneers, 20 The Square, Retford, Notts. Tel. 531/2. And at 4 Paradise Street, Sheffield. Tel. 25206. And 91 Bridge Street, Worksop. Tel. 2654.

### OXFORDSHIRE

**Bicester, Thame and Oxford.**—E. P. MESSENGER & SON, Chartered Surveyors, Auctioneers, Valuers, etc. Thame 263/4; Bicester 10; and Oxford 47281.

**Oxford and District.**—BUCKELL & BALLARD. Est. 1887. R. B. Ballard, F.A.L.P.A., H. I. F. Ryan, F.R.I.C.S., F.A.I., H. S. Ballard, F.R.I.C.S., F.A.I., 58 Cornmarket Street, Oxford. Tel. 44151. Also at Wallingford, Berks. Tel. 3205 and Wantage, Berks. Tel. 611.

**Oxford, Banbury and surrounding districts.**—E. J. BROOKS & SON, F.A.I. (Established 1840), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, "Gloucester House," Beaumont Street, Oxford. (Tel. 4535/6) and 54 Broad Street, Banbury (Tel. 2670).

**Thame and District.**—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 60 North Street. Tel. 288.

### SHROPSHIRE

**Craven Arms.**—JACKSON & McCARTNEY, Chartered Auctioneers, Valuers and Estate Agents. Tel. 2185.

**Shrewsbury.**—HALL, WATERIDGE & OWEN, LTD., Chartered Auctioneers, Valuers and Estate Agents. Tel. 2081.

**Shrewsbury and South Shropshire.**—DEAKIN & COTTERILL, 8 Wyle Cop, Shrewsbury, Auctioneers, Estate Agents and Valuers. Tel. 5306 and 2313. And at Church Stretton.

**Wellington.**—BARBER & SON, Auctioneers, Valuers, Surveyors and Estate Agents, 1 Church Street. Tel. 27 and 444 Wellington.

**Whitchurch.**—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 16 Watergate Street, Whitchurch. Tel. 2962 and 2157.

### SOMERSET

**Bath and District and Surrounding Counties.**—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

**Bath and District.**—Estate Agents, Auctioneers and Valuers, Valuations for Probate, Mortgage, etc. HALLETT & CO., 3 Wood Street, Queen Square, Bath. Tel. 3779 and 2118.

**Bath and District.**—JOLLY & SON, LTD. (Est. 1825.) Estate Agents and Valuers, Funeral Directors, Probate Valuers, Chattell Auction Rooms, Milsom Street, Bath. (Tel. 3201.)

**Bath, Bristol and Districts.**—LOUIS POWELL & CO., incorporated Auctioneers, Estate Agents and Valuers, 1 Princes Buildings, Bath. Tel. 2127.

**Bath and South West.**—CRISP'S ESTATE AGENCY (C. Cowley, F.V.I., Incorporated Surveyor and Valuer, J. L. Cowley, A.A.I., Chartered Auctioneer and Estate Agent) (Est. 1879). Abbey Chambers, York Street, Bath. Tel. 3606 and 61706.

**Crewkerne.**—25 miles radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 546.

**Taunton and District.**—C. R. MORRIS, SONS AND PEARD, Land Agents, Surveyors, Valuers, Auctioneers, 6a Hammet Street. Tel. 2546. North Curry. Tel. 319.

**Weston-super-Mare.**—LALONDE BROS. & PARHAM (Est. 1848), 23 Waterloo Street (Tel. 4500); and at Bristol.

**Weston-super-Mare and District.**—MASTERS & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 5 High Street. Tel. 6443/4.

**Yeovil and District.**—PALMER, SNELL & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, Yeovil. Tel. 25 or 1796.

(*Continued on p. lvii*)

# REGISTER OF

# *Auctioneers, Valuers, Surveyors, Land and Estate Agents*

### STAFFORDSHIRE

**Stoke-on-Trent and North Staffs.**—CHARLES BUTTERS & SONS, Established 1856. Chartered Auctioneers, Surveyors, Valuers and Estate Agents, Trinity Buildings, Hanley, Stoke-on-Trent. Tel. 21381/9. Also at Leek.

### SUFFOLK

**Bury St. Edmunds and East Anglia.**—LACY SCOTT AND SONS, 3 Hatter Street, Bury St. Edmunds. Phone 43 and 692.

**Ipswich and East Anglia.**—SPURLINGS & HEMPSON (Est. 1780), Chartered Surveyors, Chartered Auctioneers 26 Princes Street, Ipswich. Tel. 51807/8.

**Ipswich and East Anglia.**—WOODCOCK & SON, 16 Arcade Street, Ipswich. Tel. 54352 (2 lines). Specialists in Selling Country Property and Farms. Established 1850.

**Lowestoft and District.**—GAGE & CO., 87/89 London Road South. Tel. 3158.

**Woodbridge and East Suffolk.**—ARNOTT & CALVER, Auctioneers and Valuers. Est. 1870. Tel. 179.

### SURREY

**Addiscombe, Shirley, Croydon.**—MILLER, WILKINS AND CO., Auctioneers, Surveyors and Valuers, 191 Lower Addiscombe Road. Tel. ADDiscombe 2233/4; and 142 Wickham Road, Shirley. Tel. ADDiscombe 4021.

**Camberley.**—GIDDY & GIDDY, Estate House, London Road. Tel. 1919.

**Camberley (Hants and Berks Borders).**—SADLER AND BAKER, Chartered Auctioneers and Estate Agents, 95 High Street. Est. 1880. Tel. 4331 (3 lines).

**Caterham and District, Sanderstead to Purley.**—J. C. O'BRIEN, Station Avenue, Caterham. Tel. 4255 and 348. Limpsfield Road, Sanderstead. Tel. 4426.

**Cobham.**—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 47. Offices throughout West Surrey.

**Coulsdon.**—SINDEN, TOMKINS & KING, F.A.L.P.A., Valuers, Surveyors and Estate Agents, 26 Chipstead Valley Road. Tel. UPLANDS 0600.

**Croydon.**—BLAKE, SON & WILLIAMS. Est. 1798. Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 51 High Street, Croydon. CROydon 7155/6.

**Croydon, Addiscombe and Area.**—BOWDITCH & GRANT. (Est. 1881.) Surveyors, Valuers, Auctioneers, 103/105 George Street, Croydon. Tel. CRO 0138/9.

**Croydon and District.**—JOHN P. DICKINS & SONS, Surveyors, Valuers and Estate Agents. Est. 1882. 2 and 4 George Street, Croydon. CROydon 3128/29/20.

**Croydon and London.**—HAROLD WILLIAMS AND PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, 80 High Street, Croydon. Tel. Croydon 1931. And at Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288.

**Croydon and Sutton.**—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers. 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.

**Dorking.**—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.

**Dorking.**—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.

**Dorking.**—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 279 High Street, Dorking. Tel. 3897/8. And at Reigate.

**Dorking, Bookham and Effingham.**—CUBITT AND WEST. Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.

**Dorking and Reigate.**—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4422/3. And at Leatherhead and Epsom.

**Epsom and Leatherhead.**—A.R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.

**Esher.**—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.

**Esher.**—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 3551/2.

**Ewell, Epsom, Leatherhead and adjoining areas.**—DOUGLAS, F.A.L.P.A., 10 High Street, Epsom. Tel. 2362/4. (Four other offices.)

**Ewell.**—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

**Farnham.**—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5742 (2 lines).

**Farnham.**—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

**Farnham.**—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 74 Castle Street. Tel. 6221/3. And at Alton and Basingstoke, Hants.

### SURREY (*continued*)

**Farnham.**—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

**Farnham.**—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street (Tel. 6277).

**Godalming.**—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

**Guildford.**—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.

**Guildford.**—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

**Guildford.**—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2.)

**Haslemere.**—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

**Haslemere and Hindhead.**—CUBITT & WEST. Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors, Estate Agents.

**Kingston.**—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

**Kingston.**—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

**Kingston upon Thames and Area.**—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

**Leatherhead, Ashtead, Oxshott.**—Chas. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashtead 2382, Oxshott 3344.

**Mitcham.**—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

**Oxshott.**—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street, Esher. Tel. Esher 4331 (2 lines).

**Redhill and Merstham.**—E. H. BENNETT & PARTNERS, Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

**Reigate.**—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

**Reigate.**—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 4 Bell Street, Reigate. Tel. 4371/2. And at Dorking.

**Richmond.**—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.

**Richmond.**—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

**Surbiton.**—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

**Sutton.**—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

**Sutton.**—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 30 Abbey House, Westminster.

**Thornton Heath.**—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

**Thornton Heath.**—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 808 London Road. Tel. THO 3088 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

**Virginia Water and Wentworth.**—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

**Wallington.**—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

**Walton.**—MANN & CO., Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.

**Walton and Weybridge.**—HIGBY & CHARD (Consultants: George Geen, M.A., F.R.I.C.S., V. C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 20487/8.

**Walton/Weybridge.**—WARING & CO., Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

**West Byfleet.**—MANN & CO., incorporating Ewbank and Co., Est. 1891. Tel. 3288/9. Offices throughout West Surrey.

**Weybridge.**—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

**Weybridge and District.**—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

**Weybridge and District.**—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9.

**Woking.**—HOAR & SANDERSON, 5 Church Path. Tel. 3263/4. Eleven associated Surrey offices.

*(Continued on p. lviii)*

### SURREY (*continued*)

**Woking.**—MANN & CO., Est. 1891, Chartered Surveyor. Tel. 3800 (6 lines). Offices throughout West Surrey.

**Woking.**—MOLDRAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.

### SUSSEX

**Angmering-on-Sea, Rustington, Worthing and Storrington.**—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9, Storrington 2535.

**Arundel and Rustington.**—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

**Bexhill-on-Sea.**—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

**Bexhill-on-Sea and Little Common.**—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

**Brighton.**—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

**Brighton.**—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

**Brighton and Worthing.**—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple, E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

**Brighton.**—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

**Brighton and Hove.**—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

**Brighton, Hove and Surrounding Districts.**—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agents, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

**Brighton, Hove and Surrounding Districts.**—C. HORTON LEDGER, F.A.I., Established 1885 Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Tel. Sussex 1291.

**Chichester and Bognor Regis.**—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

**Crawley.**—WM. WOOD, SON & GARDNER, Estate Agents, Surveyors and Valuers. Tel. Crawley 1.

**Crowborough.**—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

**Eastbourne.**—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

**Eastbourne.**—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road. Tel. Eastbourne, 1285.

**Eastbourne.**—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

**Eastbourne.**—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

**Eastbourne and District.**—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 & 44 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 73 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

**East Grinstead.**—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

**East Grinstead.**—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

**Hassocks and Mid-Sussex.**—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 882/3.

**Hastings, St. Leonards and East Sussex.**—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, F.R.I.C.S.), Consultant Chartered Surveyors, Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661 (3 lines).

**Hastings, St. Leonards and East Sussex.**—WEST (Godrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

**Haywards Heath and District.**—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

**Haywards Heath and Mid-Sussex.**—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

**Horsham.**—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

**Horsham.**—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

**Hove.**—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent, 75 Church Road, Hove. Tel. Hove 37213 (3 lines).

**Hove.**—PARSONS, SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564

## REGISTER OF

# *Auctioneers, Valuers, Surveyors, Land and Estate Agents*

### SUSSEX (*continued*)

**Hove and District.**—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.

**Hove, Portslade, Southwick.**—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.

**Lancing.**—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

**Lewes and Mid-Sussex.**—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 4375. And at Ditchling, Hurstpierpoint and Uckfield.

**Seaford.**—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.

**Storrington, Pulborough and Billingshurst.**—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billingshurst (Tel. 391).

**Sussex and Adjoining Counties.**—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).

**West Worthing and Goring-by-Sea.**—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.

**Worthing.**—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

**Worthing.**—STREET & MAURICE, formerly EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.

**Worthing.**—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.

**Worthing.**—PATCHING & CO., Est. over a century. Tel. 5000. 5 Chapel Road.

**Worthing.**—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

### WARWICKSHIRE

**Birmingham and District.**—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).

**Coventry.**—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

### WARWICKSHIRE (*continued*)

**Coventry.**—CHAS. B. ODELL & CO. (Est. 1901). Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

**Leamington Spa and District.**—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

**Sutton Coldfield.**—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

### WESTMORLAND

**Kendal.**—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

**Windermere.**—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 698.

### WILTSHIRE

**Bath and District and Surrounding Counties.**—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

**Marlborough Area (Wilts, Berks and Hants Borders).**—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2, And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

### WORCESTERSHIRE

**Kidderminster.**—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

**Kidderminster, Droitwich, Worcester.**—G. HERBERT BANKS, 28 Worcester Street, Kidderminster. Tels. 2911/2 and 4210. The Estate Office, Droitwich. Tels. 2084/5. 3 Shaw Street, Worcester. Tels. 27785/6.

**Worcester.**—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street. Tel. 5194/5.

### YORKSHIRE

**Bradford.**—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

### YORKSHIRE (*continued*)

**Bradford.**—DAVID WATERHOUSE & NEPHEWS, F.A.I. Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

**Hull.**—EXLEY & SON, F.A.L.P.A. (incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 3399/2.

**Leeds.**—SPENCER, SON & GILPIN, Chartered Surveyors, 132 Albion Street, Leeds, 1. Tel. 30171.

**Scarborough.**—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

**Sheffield.**—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

### SOUTH WALES

**Cardiff.**—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

**Cardiff.**—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

**Cardiff.**—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

**Cardiff.**—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

**Swansea.**—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

**Swansea.**—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

### NORTH WALES

**Denbighshire and Flintshire.**—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

**Wrexham, North Wales and Border Counties.**—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

# Classified Advertisements

**PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME**
**4s. per line as printed**

**APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings**
**15s. for 30 words. Additional lines 4s. Box Registration Fee 2s. extra**

**Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855**

## PUBLIC NOTICES

### LANCASHIRE COUNTY COUNCIL

ASSISTANT SOLICITOR required in the Clerk of the County Council's Department. Salary £1,505 to £1,670. Commencing salary according to age and experience. Appointment is superannuable and subject to certificate of fitness. Applications stating age, details of qualifications and experience, and the names of two referees to the Clerk of the County Council (E), County Hall, Preston, by Wednesday, the 13th December, 1961.

AMENDED ADVERTISEMENT

### BOROUGH OF PUDSEY

DEPUTY TOWN CLERK

Applications are invited from duly admitted Solicitors for the appointment of Deputy Town Clerk, at a salary to be fixed within the Letter Grade C, £1,560 per annum to £1,825 per annum, according to experience and qualifications. Permanent post and superannuation.

Previous experience with a Local Authority would be of advantage, and a good knowledge of conveyancing is important. Work will include some advocacy and opportunity of taking Committees. Excellent prospects for the right applicant.

Housing assistance, if necessary.

Applications should be forwarded to the undersigned not later than Thursday, the 21st December, 1961, together with the names of two referees.

W. RICHARD CRUSE,
Town Clerk.

Town Hall,
Pudsey,
Yorkshire.

### MIDDLESEX MAGISTRATES' COURTS COMMITTEE

Applications invited from Barristers or Solicitors for the whole-time post of DEPUTY CLERK TO THE JUSTICES, Willesden Division. Experience in a Justices' Clerk's Office desirable. Salary Grade "N" (£1,750–£2,005 p.a.). Pensionable. Full particulars and two referees to The Clerk to the Magistrates' Courts Committee, Guildhall, Westminster, S.W.1, by 27th December, 1961. (Quote J.85.S.J.).

### CITY OF BIRMINGHAM

Applications are invited for the appointment of a SENIOR ASSISTANT SOLICITOR in the Town Clerk's Office, salary scale (F), £2,015–£2,345 per annum.

A candidate should be a solicitor with conveyancing and other experience enabling him to assume responsibility for extensive and important work on land acquisition, development and disposal. The post is pensionable and subject to medical examination.

Applications, accompanied by copies of two testimonials, should be delivered to me by 21st December, 1961.

T. H. PARKINSON,
Town Clerk.

Council House,
Birmingham, 1.
November, 1961.

### CITY OF BIRMINGHAM

CONVEYANCING CLERK

Applications are invited for the above appointment in the Town Clerk's Office at a salary of £1,140–£1,310 (Grade A.P.T. IV).

Candidates must have good conveyancing experience but need not have local government experience. Five-day week and at least three and a half weeks' annual holiday. The post is pensionable but the appointment is subject to a medical examination.

Applications, together with, if available, copies of two testimonials, should be sent to me by 29th December, 1961.

T. H. PARKINSON,
Town Clerk.

Council House,
Birmingham, 1.
November, 1961.

### BREDBURY AND ROMILEY URBAN DISTRICT COUNCIL

ASSISTANT SOLICITOR

Applications are invited for this appointment at a salary within A.P.T. Grade IV (£1,140–£1,310) and generally in accordance with the Scheme of Conditions of Service for Local Authorities' professional employees. No previous local government experience necessary. November finalists will be considered. Five-day week. New offices ready shortly. Removal expenses and assistance with housing accommodation.

Applications, with names of two referees, by 8th January to the undersigned, who will supply further information on request.

D. W. TATTERSALL,
Clerk of the Council.

Council Offices,
Bredbury,
Cheshire.

### CITY AND COUNTY OF BRISTOL

CONVEYANCING CLERK

Applications invited for post of Conveyancing Clerk; Grade A.P.T. III (£960–£1,140): 5-day week; superannuable; assistance with removal expenses. Candidates should have sound knowledge of all aspects of conveyancing.

Applications giving full particulars of age, experience, qualifications, present position and salary with names of two referees to Town Clerk, Council House, Bristol, 1, by 15th December.

### BOROUGH OF BRENTFORD AND CHISWICK

CONVEYANCING ASSISTANT

Applications invited from unadmitted conveyancing Clerks for this post on salary range £1,005 to £1,355 per annum commencing according to age and experience.

Provision of housing accommodation will be considered.

Write full details to undersigned.

W. F. J. CHURCH,
Town Clerk.

Town Hall,
Chiswick, W.4.

### CITY OF SALFORD

TOWN CLERK'S PERSONAL ASSISTANT (SOLICITOR)

Applications are invited for the above appointment. Salary Scale "B" (£1,455–£1,670). Particulars of the post, which offers very great opportunities, obtainable from the Town Clerk, Town Hall, Salford, 3; closing date for applications 1st January, 1962.

### BOROUGH OF SUTTON COLDFIELD

APPOINTMENT OF SOLICITOR

Applications are invited for the appointment of a second solicitor at a salary within Scale "A" (£1,300—£1,565) according to experience. Local Government experience desirable but not essential, and housing accommodation may be provided for the successful applicant. Five-day week. Applications stating age, experience and qualifications and the names of two referees must be received by me not later than 22nd December, 1961.

J. P. HOLDEN,
Town Clerk.

Council House,
Sutton Coldfield,
Warwickshire.

## APPOINTMENTS VACANT

**CITY Solicitors require admitted or unadmitted Conveyancing Clerk. Write stating full particulars.—Box C 331, c/o Walter Judd, Ltd., 47 Gresham Street, E.C.2.**

**HARROW Solicitors urgently require Managing Clerk or qualified Assistant. Mainly Conveyancing but some litigation experience essential. Please write stating full details of age, experience and salary required.—Box 8069, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.**

**EXPANDING firm of West End solicitors require for 1962 the following additional permanent staff: (i) an expert experienced senior conveyancing managing clerk with wide knowledge of all branches of property law, to work with a partner in a department devoted to very substantial new developments; and (ii) a managing clerk for litigation department able to assume considerable responsibility and to deal with matters in all divisions. Salaries £2,000 p.a. and £1,700 p.a. respectively, or by arrangement. All applications treated in confidence. Pension scheme.—Box 8261, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.**

**BRADFORD (Yorkshire) Solicitors require experienced probate managing clerk able and willing to work with minimum supervision; knowledge of tax work an advantage; salary up to £1,050; pension scheme.—Box 8252, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.**

**FIRM of City solicitors require probate managing clerk with knowledge of income tax and trust accounts; salary by arrangement.—Write Box 8259, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.**

*continued on p. lx*

# ★ Classified Advertisements ★

*continued from p. lix*

**APPOINTMENTS VACANT**—*continued*

SOUTHEND-ON-SEA solicitors require assistant solicitor for expanding practice, mainly conveyancing and probate, with opportunities for litigation and advocacy; partnership prospects; commencing salary not less than £900 or according to length of experience.—Box 8255, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Manager.—Berkshire Solicitors require unadmitted man with sufficient conveyancing experience to work with only general supervision immediately and eventually to fill the position of Conveyancing Managing Clerk. Good opportunity for hard worker.—Box 8234, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED family practice in Lincoln's Inn requires solicitor with a view to early salaried partnership and eventually succession. Emphasis at first on litigation and probate. Commencing salary up to £1,500 per annum.—Box 8235, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, outstanding man required by old-established and rapidly expanding town and country general practice with offices in Cathedral town, market town and important sea-port; man appointed will be first-class all-rounder with litigation experience, capable of working without supervision; partnership offered after trial period.—Apply Box 8260, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WORCESTERSHIRE Solicitors in pleasant rapidly expanding Industrial Town with large and varied Practice require young Assistant Solicitor willing to undertake all branches and preferably with some experience since admission. Apply with full particulars stating approximate salary anticipated.—Box 8275, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane. E.C.4.

## ROYAL AIR FORCE

## Legal Branch

**Applications are invited from Barristers and Solicitors (male candidates only) for appointment to commissions in the Legal Branch of the Royal Air Force. Candidates must be Members of the English, Scottish or Northern Irish Bars, or English, Scottish or Northern Irish Solicitors. They should normally be under 30 years of age (older candidates will be considered) and have had 5 or more years experience in legal practice, preferably in the Criminal and Common Law Courts. Commissioning will be in the rank of Flight Lieutenant and the basic rate of pay will be £930 per annum plus usual service allowances; a generous gratuity will be paid on termination of engagement.**

*Write for further information to:*
**Director of Legal Services (SIJ 863),**
**1-6, Tavistock Square, London, W.C.1**

COMMON Law Clerk with knowledge of Divorce required by Holborn Solicitors.—Apply, stating salary required, to Box 456, Reynell & Son, 44 Chancery Lane, W.C.2.

LARGE and expanding firm of Solicitors in South Wales require an admitted or unadmitted litigation assistant with experience in County Court, factory accident and running down cases. Excellent prospects and Salary.—Box 8274, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

"A QUALIFIED Solicitor is required to act as Legal/Personal Assistant to the Group Secretary, who is also a Director of the principal Subsidiary Company. Basically, he should have sound general solicitor's practice experience in addition to company and commercial work, administrative skill, and an aptitude for being able to mix with other senior members of an executive team. The age range is from 27 to 32, and a good salary will be paid to the successful applicant. A contributory Pension Scheme is in operation, with free Life Insurance. The applicant will be required to live at the Headquarters of the Group, which is in Plymouth, Devon.

Applications giving full details of personal qualifications and experience should be addressed to the Group Secretary, Tecalemit Limited, Plymouth, Devon, marked 'Private and Personal'."

A NATIONAL organisation requires a Solicitor to fill a senior position at its Head Office in London. Wide knowledge of road traffic law and motor insurance work essential. Administrative experience is also necessary. Salary will be commensurate with ability and experience. The post is pensionable.—Please write, giving details of age and experience, to Box 8276, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

A CHIEF cashier is required to take full responsibility for accounts department of Central London solicitors with large expanding practice; experience in similar position essential; knowledge of mechanised accounting an advantage; salary according to age and experience but not less than £1,000; pension scheme; luncheon vouchers.—Apply, in first instance in writing, to Ford, Bull, Ellis & Sales, Chartered Accountants, 1 Verulam Buildings, Gray's Inn, W.C.1.

CASHIER/Book-keeper (between 30 and 40) for old-established and leading CITY firm. Good salary, according to experience, and working conditions in pleasant offices. No Sats. 3 weeks' holiday, L.V.s.—Box 8277, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST SUSSEX COAST. Young Assistant Solicitor required by old-established firm with busy general practice, including advocacy. Good prospects of advancement. Salary by arrangement.—Box 8278, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

## SOLICITOR

to

## The Port of London Authority

Applications are invited from solicitors for the above appointment.

The Solicitor to the P.L.A. advises the General Manager and, through him, the Board, on all questions of law affecting the Authority and is responsible for the work of the Authority's Legal Department.

All the legal work of the Authority, including litigation, conveyancing, prosecutions and the promotion of Private Bills in Parliament is conducted by the Solicitor.

Candidates should have wide experience either as a partner in a firm with a general commercial and litigation practice or at a senior level in the legal department of a large public authority or company.

The starting salary will be a matter for negotiation but will in any event be not less than £4,000. There is a contributory pension scheme. Age: preferably about 45.

Closing date for applications 30th December, 1961.

Please apply with full details of education and experience to

**The General Manager, Port of London Authority**
**P.O. Box 242, London, E.C.3**

*Marking the envelope "Private & Confidential."*

## SOLICITOR

REQUIRED IN

## LONDON

BY

## COMMERCIAL COMPANY

Long-established national finance company require a third solicitor aged about 27 in their legal department mainly for hire-purchase work but also to assist with its conveyancing and general work.

Short particulars first to Box G 581 c/o Streets, 110 Old Broad St., E.C.2.

*continued on p. lxi*

# ★ Classified Advertisements ★

*continued from p. lx*

## APPOINTMENTS VACANT—*continued*

SUSSEX.—Burgess Hill Solicitor requires Probate and Conveyancing Clerk to work under slight supervision. House available. Write stating all particulars.—Box 8279, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NEWPORT, Mon. Solicitor requires admitted or unadmitted Assistants—(*a*) experienced in Conveyancing; (*b*) for general practice. Salary according to experience.—Box 8280, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

FINCHLEY Solicitors require Senior Common Law Managing Clerk, admitted or unadmitted, for Litigation Department. Salary £1,200 p.a. upwards according to experience.—Box 8281, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS with busy and expanding practice in Wolverhampton area require unadmitted clerk with some experience mainly on Common Law side to work under light supervision of Partner. Remuneration by arrangement depending on age, experience and own efforts.—Box 8282, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Assistant Solicitor required by established firm with large general practice. Must be good Advocate in Magistrates' Courts and County Courts and experienced in litigation. Good salary. Partnership prospects. Opportunity for right man—Write with full details to Box 8232 Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING and Probate Assistant, admitted or unadmitted, required for expanding general practice in West Midlands. Knowledge of litigation an advantage. Salary £1,250 or according to experience. Good prospects.—Box 8283, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Clerk (male or female) required. Birmingham. Able to work without supervision. Commencing salary £1,310 rising to £1,480. Five-day week. Generous leave.—Apply P.O. Box No. 17, Birmingham.

LITIGATION Manager (admitted or unadmitted) required to take part of Common Law Department in old-established firm with busy London agency practice; close to Law Courts, excellent prospects, pension scheme. Write stating age, experience and salary required.—Box 449, Reynells, 44 Chancery lane, London, W.C.2.

WEST SUSSEX.—Assistant Solicitor required to take charge of Litigation Department. Possibility of partnership later. Salary according to experience but not less than £1,250.—Box 8228, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by Surrey Solicitors to undertake advocacy in the Magistrates Court and County Court and to assist generally. Good prospects. Write stating experience and salary required.—Box 8288, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LEADING firm of City Solicitors require Solicitor of outstanding ability and experience to specialise in trusts and tax planning; initial salary up to £2,000 per annum.—Write Box SJ.273, c/o Hanway House, Clark's Place, E.C.2.

H. P. DEBT Collecting Clerk required at small modern Solicitors' branch office at Enfield, minimum supervision, salary up to £800, contributory pension scheme, excellent staff canteen, etc.—Box 8289, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CHESHIRE.—Stockport firm requires solicitor as personal assistant to principal; preferably of degree standing, for conveyancing, probate, revenue, company and commercial practice; this post offers good prospects for a recently admitted applicant.—Box 8290, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

## APPOINTMENTS WANTED

SOLICITOR, admitted 1959, good conveyeyancing and general experience, seeks position with view to early partnership in Greater London or Manchester area.—Box 8284, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR (49), admitted January, 1936, seeks position with genuine prospects of partnership, sound lawyer, considerable experience conveyancing and litigation (not London).—Box 8285, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NOVEMBER Finalist (39), Resident Chester, seeks appointment early January, 1962, 6 years' general experience mainly Common Law, Divorce, Domestic and Criminal work as Managing/Articled Clerk. Situation Chester, Liverpool, Birkenhead or within reasonable travelling distance Chester preferred.—Box 8291, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR (29), qualified 1959 (Honours), over ten years' experience in London private practice, mainly conveyancing and probate, seeks position in West or South-West with prospects of partnership.—Box 8292, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, LL.B., 28, seeks post with progressive N.W. Lancs. firm preferably with prospects; interested in general practice particularly conveyancing and litigation; would welcome opportunity for advocacy; short qualified experience.—Box 8293, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SENIOR Managing Clerk with 30 years Conveyancing, Probate and general experience seeks position outside London. South or South West Counties preferred. Accustomed work without supervision and accept responsibility.—Box 8294, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

## PRACTICES AND PARTNERSHIPS

WEST SURREY.—Sole Practitioner with busy practice mainly conveyancing and probate, seeks partner, public school and university; initial share £2,000 (approx.); capital required.—Box 8286, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

## PREMISES, OFFICES, ETC.

SELF-CONTAINED office accommodation required by Solicitor with small practice. Able to render part-time assistance if required. Central or South-East London or suburbs.—Box 8295, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRIGHTON/HOVE, 101 Western Road, Hove, Sussex. Office to let on ground floor adjoining Estate Offices, rent £2 p.w. Telephone service if necessary.—Apply SHAWS, F.A.L.P.A., M.R.San.I., "Estate House," 85 Shaftesbury Avenue, W.1. Telephone Gerrard 5851.

CREWE, Cheshire.—To Let, first floor self-contained Offices with own High Street entrance. Modern building erected 1959. New 21 years' lease will be granted at rent £325 per annum exclusive without premium. Ideal for Solicitors. Sole Agents: Henry James & Partners, Gravelly Place, Gravelly Hill, Caterham. Surrey.

RETFORD, Notts.—To Let, second floor Offices, approx. 2,443 sq. ft., in new prestige building. New lease at moderate rent, no premium. Henry James & Partners, Gravelly Place, Gravelly Hill, Caterham. Surrey.

## PROPERTY INVESTMENTS

INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

## MORTGAGE FUNDS

**MORTGAGES**

available

FOR PERIODS UP TO

FIVE YEARS

**MORTIMER FINANCE**

**93 Mortimer Street, W.1**

MUSEUM 0709 AND 0700

WE offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS, 139 Park Lane, W.1. Tel.: MAYfair 7081–4.

**MORTGAGES**

PLAY SAFE—PUT IT IN THE HANDS OF

**PETER G. HIRSCH & CO., LTD.**

8 BRUNSWICK PLACE, HOVE

Tel.: 71398/9

Sussex Leading Mortgage Brokers

MORTGAGE ADVANCES AND BUILDING FINANCE UP TO 100 PER CENT.

BRIDGING FINANCE

HOUSE PURCHASE FROM 5½ PER CENT.

Second Mortgages Any amount

## BUILDING LAND WANTED

LAND WANTED for housing. Home Counties. 2/50 acres. Agents retained and reinstructed. Planning applications and appeals undertaken.—TRUE BOND HOMES, LTD., 342 Richmond Road, East Twickenham. (FOP 6231).

*continued on p. lxii*

# Classified Advertisements

*continued from p. lxi*

## MORTGAGE FUNDS REQUIRED

MORTGAGES required for our applicants. Sums of £1,000/£10,000 on owner-occupied houses. Also larger amounts on investment property, viz.: blocks of shops, houses, factories, etc. Two-thirds value required at 7½%. Full scale legal and survey charges paid. Occasionally other applicants require second mortgages at 10%. £200/£1,000 where there is ample equity. Write fully.—Welsford, Morgan & Co. (Mortgage Brokers since 1908), 986 London Road, Thornton Heath, Surrey, or Tel.: THO 2135.

## VALUATIONS

ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No. : MAYfair 2424. Est. 1796.

REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

VALUATIONS of general chattels, antiques, etc., for Probate, Insurance, and all purposes. Sales arranged if required. Prompt attendance, any distance.—J. Nutter, Old Manor Farmhouse, Wendover, Bucks. (Tel.: 3362).

CARRINGTON & CO., LTD., will give best prices for items of Jewellery, Silver and Gold sent for offer, or our representative will call to estimate for larger quantities. Valuations for Probate, Insurance, etc. 130 Regent Street, London, W.1.—Tel.: REG. 3727.

**TRADE VALUATIONS**
**STOCKS & FIXTURES**
**SALE OR PROBATE**

Extensive staff of expert valuers available at short notice

ALL MAIN DISTRIBUTIVE TRADES

**ORRIDGE & CO.**
**184 STRAND, LONDON, W.C.2**
**Telephone: TEMple Bar 9212/3 and 6340**

Branch offices in Lancashire, Yorkshire, Hampshire, Glamorgan and Warwickshire

*Members of leading professional bodies*

**VALUERS SINCE 1846**

## PROFESSIONAL ANNOUNCEMENTS

TRANSLATIONS.—V. Clayton, Market Rasen.

## FINANCIAL

**AMPLE FUNDS AVAILABLE**
For your bridging and other short-term financial requirements.
**GWENT AND WEST FINANCE COMPANY LIMITED**
Merchant Bankers,
23 Windsor Place,
CARDIFF.

*ABANDON DELAYS*

**READY MADE COMPANIES**

*(guaranteed "no trading")*

**£20 : 0 : 0** *inclusive*

(over 200 in stock)

By Return of Post to Country or delivery immediately in London.
Free draft on application.

**LEWIS, COATES & LUCAS, LTD**
LAW STATIONERS
**6-9 Surrey Street, Strand, W.C.2**
**TEMple Bar 6927 (4 lines)**

A BARGAIN, £25 complete, brand new ready-made Co. Regns. Guaranteed no trading (England or Scotland); all trades available now, including Property Dealing; Mining/Quarrying; Garages; Electrical; Glass/China; Drapers; Packers; Plastics; H.P. Finance; Salvage; Banking, Nominees; Secretarial; Stocks/Shares; Property; Investments; Caravans, etc. (specially prepared for each trade). Write, phone or call (English Registrations) BUSINESS ECONOMY Co., Regns., Ltd. (Dept. 14); 156 Strand, London, W.C.2 (Tem. 8377/2294); Scottish Registrations to 19 Walker Street, Edinburgh, 3 (Cal. 1167/9). Read "Advantages of trading as a limited Company" (3/- post free). Ltd. Co. may save you personal tax. We also have seven days Co. Regn. service with your own choice of name £21 (plus stamp duty).

## PERSONAL

DAVIS OF PORT STREET, PICCADILLY MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special concession and credit facilities to members of the legal profession. Write to us for whatever you want—we can supply. No other introduction required. Tel.: CEN 0638.

WOULD a retired civil servant or professional man or woman be interested in helping part-time with a charitable trust? Offices Westminster.—Apply Box 8287, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

GARRARD & CO., LTD., Crown Jewellers, offer the highest prices for jewellery, silver and gold articles. Offers, without obligation, will be sent for consignments received at 112 Regent Street, London, W.1. For larger quantities of silver, our buyers will visit you upon request.

## TYPING, ETC.

RITA MOORE undertakes Tape Transcriptions, Law Writing, Translations, Duplicating, Photocopying, Secretarial Services. Work carried out promptly and efficiently. 20 Tooks Court, Cursitor Street, E.C.4. CHAncery 5508.

LEGAL TYPING including STENORETTE, PHILIPS and ALL TAPE TRANSCRIPTIONS. Engrossing, Abstracting, Photo-Copying. DUPLICATING letters, drafts, Abstracts, etc. COMPLETIONS attended—RUSHGROVE AGENCY, 563 Watford Way, London, N.W.7. MILl Hill 7242.

DRAFTS and Engrossments expertly typed, hand engrossing, plans drawn or copied, multiple copying by special process, photo-copying; all expeditiously done in proper form and at moderate charges. On all copying problems, consult the Copying Departments of The Solicitors' Law Stationery Society, Ltd., Head Offices, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

## INQUIRIES & PROCESS SERVING

PROCESS SERVING and Inquiry Work undertaken. Efficient service, moderate charges and Country-wide coverage.

LAW & COMMERCIAL ENQUIRIES, LTD. Chansitor House, 38 Chancery Lane, London, W.C.2. CHAncery 6059.

## NAMEPLATES

NAMEPLATES in bronze or brass. Quick delivery and efficient service our speciality; competitive prices. Send details of your requirements to Syncronol Industries, Ltd., 64/65 St. Mary's Butts, Reading.

## CHRISTMAS GIFTS

RECORDS FOR CHRISTMAS! We specialise in records of all Classical Works and we have a large selection always available. Our specialist staff will gladly help you. A good variety of popular records are also available. City Sale & Exchange, 93–4 Fleet Street, E.C.4. FLE 9391. Ext. 4.

## COSTS

**THE COSTS DEPARTMENT**
**OF**
**The Solicitors' Law Stationery Society, Ltd.,**
**is available to the profession for the prompt preparation of all**
**BILLS OF COSTS**
**by expert draftsmen.**
**For full details apply The Manager, Costs Department, Oyez House, Breams Buildings, Fetter Lane, E.C.4.**
**(CHAncery 6855.)**

## PRIVATE INQUIRIES

DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4).

## MISCELLANEOUS

HIGHEST PRICES PAID for Coins and Medals, especially collections and gold. Catalogue of English Coins, 9s. 3d. Specimen Bulletin, 1s.—B. A. Seaby, Ltd., 65 Great Portland Street, London, W.1.

NILS HELLNER. Attorney-at-Law, Hornsgaten, 40 Stockholm.—Law suit debt collections. Correspondence in English, French, German and Spanish.

# why not treat yourself to a new briefcase?

**Or for those with gifts in mind, what better than a briefcase for a friend or colleague?**

Whatever style suits your needs, The Solicitors' Law Stationery Society, Limited, will gladly send you details and prices. Or you can see a wide range of useful briefcases at the Society's branches.

**The Solicitors' Law Stationery Society, Limited**
Oyez House Fetter Lane EC4
CHAncery 6855
*Birmingham / Cardiff / Glasgow*
*Liverpool / Manchester*

## AUCTIONEERS' ANNOUNCEMENTS

**H.D.S. STILES & Co.**
CHARTERED SURVEYORS
CHARTERED AUCTIONEERS & ESTATE AGENTS
10 KING'S BENCH WALK, TEMPLE, E.C.4
City 2946 and Central 5356
6 PAVILION BUILDINGS, BRIGHTON
Brighton 23244 (4 lines)
3 THE STEYNE, WORTHING
Worthing 9192/3

EST. 1881 TEL. Mon 1464, Syd 6601
**EASTMAN BROTHERS**
SURVEYORS and VALUERS
ESTATE AGENTS
Surveys and Valuations for all purposes
Plans and Specifications
Estate Management in all areas
HALIFAX HOUSE, 62/64 MOORGATE, E.C.2

(ESTABLISHED 1899)
**E. A. SHAW & PARTNERS**
(C. M. SPAGNOLETTI, F.A.I.
R. T. FITZSIMMONS, F.A.I.)
SURVEYORS AND VALUERS
19 & 20 Bow Street, Covent Garden, W.C.2
(Over Midland Bank)
Tel.: COVENT GARDEN 2255 (4 lines)

**WATERER & DICKINS**
CHARTERED SURVEYORS, CHARTERED AUCTIONEERS & ESTATE AGENTS, VALUERS
133 HIGH STREET, BROMLEY, KENT
Telephone: RAVensbourne 0147/8

**C. W. MAYNE**
(Established 1872)
*Chartered Surveyors and Valuers*
GUY MAYNE, F.R.I.C.S.
218 EARL'S COURT ROAD, LONDON, S.W.5
Telephone Frobisher 0026 (2 lines) Adjoining Station

**WARD, SAUNDERS & CO.**
L. B. Saunders, F.A.I., F.C.I.A. W. J. Allin, F.A.L.P.A., F.V.I. W. J. Sims, F.A.I., F.V.I.
Auctioneers, Estate Agents, Surveyors and Valuers
SURVEYS, VALUATIONS, SALES, LETTINGS, MORTGAGES, REQUISITION CLAIMS, COMPULSORY PURCHASE, DILAPIDATIONS, ETC.
ESTATE MANAGEMENT SPECIALISTS
Bankers: Lloyds Bank Ltd. Barclays Bank Ltd.
The Estate Offices
298 and 299 Upper Street, London, N.1
Telephones: CANonbury 2487-2488-2489
Established over Half a Century

**A. G. RICHARDSON & SON**
CYRIL RICHARDSON, F.R.I.C.S.
CHARTERED SURVEYORS, LAND AGENTS, AUCTIONEERS AND VALUERS
86 HIGH STREET, STEVENAGE, HERTS.
Telephone: Stevenage 1323/4

**JOHN BRAY & SONS**
ESTABLISHED 1864
AUCTIONEERS · VALUERS
ESTATE AND HOUSE AGENTS
1 Devonshire Place, Devonshire Road, Bexhill-on-Sea
Telephone: Bexhill 14 Telegrams: John Bray, Bexhill

Gerrard 5853-3963
**SHAWS**
(J. H. W. Shaw, F.A.L.P.A., M.R.San.I., P.P.C.I.A., F.V.I.)
*ESTATE MANAGERS, SURVEYORS AND VALUERS*
Estate House, 85 Shaftesbury Avenue, W.1
*Also at*
149/151 Dulwich Road, Herne Hill, S.E.24. BRIxton 7866/7

**BAXTER, PAYNE & LEPPER**
Established over 200 years
Chartered Surveyors, Chartered Auctioneers and Estate Agents
FOR ALL CLASSES OF PROPERTY, SALES, VALUATIONS, ETC., IN NORTH-WEST KENT
19 East Street, Bromley. (RAVensbourne 2234)
2 Southend Road, Beckenham. (BECkenham 3461)
2 Station Approach, Orpington. (Orpington (MM) 22226)
Station Square, Petts Wood. (Orpington (MM) 20363)

**T. B. WESTACOTT & SONS**
*Surveyors, Auctioneers, Valuers and Estate Managers*
74 Camden Rd., London, N.W.1
Telephone: GULLIVER 3331/2

**HOTELS AND RESTAURANTS**
HAMMERSLEY KENNEDY & CO.
19 Hanover Square, London, W.1
Telephone: MAYfair 6857
have, since 1899, specialised in the sale and valuation of hotels and catering businesses to the exclusion of any other branch of estate agency. The partners are members of the leading professional bodies.

**London and Home Counties**
SPECIALISTS FOR 100 YEARS
VALUATIONS, SALES, PROPERTY MANAGEMENT
***Salter, Rex & Co.***
311 KENTISH TOWN ROAD, N.W.5
GULliver 1085 (5 lines)
24/7 HIGH HOLBORN, W.C.1
HOLborn 4819

**ANTIQUE SILVER AND PLATE**
*Purchased at Highest Prices*
*Valuations for Probate and Insurance*
BENTLEY & CO.
65 New Bond Street, London, W.1 (Mayfair 0651)

**INVESTIGATIONS**
Confidential Investigations in all Civil Cases and Personal Matters. Financial and other Commercial Enquiries undertaken. Observations. Witnesses interviewed and Proofs of Evidence taken. Persons traced.
*FOUNDED IN 1899*
JOHN CONQUEST LIMITED
36 GREAT JAMES ST., BEDFORD ROW, W.C.1
Telegrams and Cables: Avouchable, Holb., London
HOLBORN 3866

**H. E. WINGFIELD & CO.**


*BUYERS OF*
FINE STAMPS
*STAMPS VALUED FOR PROBATE AND INSURANCE PURPOSES*
*Call, write or 'phone*
*Miss R. Tiefford or Mr. A. L. Michael at*
392 STRAND, LONDON
*(OPPOSITE SAVOY HOTEL)*
Tel.: TEMple Bar 4136 W.C.2

***Administration and Receivership Bonds***

Specialist attention with the minimum of formality and moderate premium charges combined with expeditious service.

Similar facilities are provided in respect of indemnities or guarantees in connection with

- **Missing Beneficiaries**
- **Lost Documents** • **Breach of Covenants**
- **Defects in Title to Property**

*and numerous other contingencies*

ALLIANCE ASSURANCE COMPANY LIMITED
1824
BARTHOLOMEW LANE · LONDON · EC2

Printed and published in Great Britain by THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Phone: Chancery 6855. Agents—The United States and Canada: The Carswell Co., Ltd., 145–149 Adelaide Street West, Toronto, 1, Canada; Australia and New Zealand: The Law Book Co. of Australasia Pty., Ltd., 140 Phillip Street, Sydney, N.S.W.; India and Pakistan: N. M. Tripathi, Ltd., 164 Princess Street, Bombay.
Published Weekly, 1s. 9d. Friday, December 8, 1961 Registered at the G.P.O. as a newspaper